

## 3.1 SCHEME OF DELEGATION FOR OFFICERS

### 4.10.1 Introduction

- (1) This scheme has been adopted by Bolsover District Council ~~and North East Derbyshire District Council~~ and sets out the extent to which the powers and duties of the Councils ~~are~~ is 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 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

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- ~~• The requirements of the Strategic Alliance Management Team in relation to the overall management and coordination of the Councils affairs~~
- 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) ~~A number of the Directors and Heads of Service are joint posts within the Strategic Alliance. However, the word "Joint" has been omitted from the scheme descriptions.~~

~~Where the Delegation Scheme refers to Heads of Service, this also includes 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 ~~& Civic~~ 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 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 Services, Finance and Human Resources as appropriate.

#### 4.10.6 Restriction on delegations to ~~Directors~~ Heads of Service/Assistant Directors

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

#### 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 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.set out later in section 4.11~~

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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 in section 4.11 below.

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

- (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.
- (11) To deal with the following employment matters in accordance with Council procedures:
  - (i) The employment of all employees below ~~Head of Service~~/Assistant Director level including determining the most appropriate means of recruitment and selection

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- (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 award a contract without following one of the normal procedures within part 4.8.3 of the Council's Procurement Rules provided that one of the exemptions in part 4.8.4 of the Rules can be applied and the provisions of part 4.8.4 are met.*
- (18) To deal with media enquiries and press releases in conjunction with the Communications Manager/Officer who will contact the relevant Members.
- (19) 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.

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- (20) To work with partners to achieve and implement the objectives and actions set out in the approved ~~Corporate Plan~~Council Ambition, Service Plans, Business Plans, policies, strategies or other plans.
- (21) To carry out any duties or responsibilities as contained with the ~~Financial Finance (NEDDC)~~ or Financial Regulations (~~BDC~~).
- (22) To carry out any functions contained within section 3.2 of Part 3 – Council Functions and section 3.3 – Local Choice Council Functions of the Functions Scheme ~~(NEDDC)~~ in so much as they relate to the day to day administration and operational management of the services and functions for which they are responsible.
- (23) To make non substantive amendments to Council policy, subject to consultation with the Monitoring Officer, in order to:
  - 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.

**4.10.10 Executive Director of Resources ~~Chief Executive Officer~~**

**Delegations**

**Exceptions**

- (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 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.

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- (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.~~
- (67) 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
- (78) 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.
- (89) Following consultation with the Licensing Section within the shared Environmental Health service, 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.
- (910) To authorise the making of notices and orders under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014. In the case of Public Space Protection Orders only these will require consultation with the Leader or Deputy Leader of the Council and relevant ward members, and authorisation given incur any necessary expenditure to create, manage or revoke Public Space Protection Orders.

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- (1044) To guide and where appropriate direct Directors and Assistant Directors in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.
- (1142) 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.
- (1243) 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~~Chief Executive Officer to the next meeting of Council explaining the reasons for the decision.
- (1344) 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~~ to make the decision and endorsement will be sought from the Executive or Council as appropriate.
- (1445) To formulate and co-ordinate advice on strategic and corporate policy and value for money issues.
- (1546) 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.
- (1647) To exercise any of the powers delegated to a Director or Assistant Director.
- (1748) To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.



(1819) 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.

(1920) To make customers vexatious under the Compliments, Comments and Complaints Policy.

(2024) To authorise the use of earmarked reserves or Transformation Reserves.

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

(2122) 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.

(2223) 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.

(2324) 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~~.

(2425) 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)

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Regulations 2012, where there is insufficient time for the matter to be submitted to Executive to meet the statutory deadline.

(2526) 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.

(2627) *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) together with rights of way powers as set out in the Town & Country Planning Act 1990.*

(2728) 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 272:** Applications for discretionary Disabled Facilities Grants must be submitted to Executive.

(2829) 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.

(2930) To authorise the enforcement officers of ~~that local authority~~ **the Council** 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.~~

(3034) 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

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relevant Ward Members, and to incur any necessary expenditure to create, manage or revoke Public Space Protection Orders.

~~(31)~~ ~~(32)~~ Following consultation with the Licensing Section within the shared Environmental Health service, 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.

~~(3233)~~ 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.

~~(3334)~~ To serve Section 215 Town and Country Planning Act 1990 notices.

(34) To act as the Emergency Planning Lead.

(35) To 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 procedures approved by the Council.

(36) 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.

(37) (Further delegated to the Assistant Director of Planning) making Local Development Orders (section 61A TCPA) in consultation with the relevant Portfolio Holder.

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(38) (Further delegated to the Assistant Director of Planning) Creating Simplified Planning Zones (section 82n TCPA) in consultation with the relevant Portfolio Holder.

(39) (Further delegated to the Assistant Director of Planning) Creating Enterprise Zones (section 88 TCPA) in consultation with the relevant Portfolio Holder .

(40) (Further delegated to the Assistant Director of Planning) discharge of Planning conditions in consultation with the relevant Portfolio Holder.

(41) 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 to do so and including the exercise by the Council of such powers on behalf of a parish or town council where so requested.

(42) 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.

#### **4.10.14 Executive Director of Strategy and Development**

##### **Delegations**

##### **Exceptions**

- ~~(1) To act as the 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~~

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- ~~(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.~~
- ~~(9) 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.~~
- ~~(10) 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.~~
- ~~(11) 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.~~

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- ~~(12) 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.~~
- ~~(13) To formulate and co-ordinate advice on strategic and corporate policy and value for money issues.~~
- ~~(14) 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.~~
- ~~(15) To exercise any of the powers delegated to an Assistant Director.~~
- ~~(16) To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.~~
- ~~(17) 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.~~
- ~~(18) To make customers vexatious under the Compliments, Comments and Complaints Policy.~~
- ~~(19) 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.**
- ~~(20) 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~~

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~~Community Value) of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.~~

- ~~(21) 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.~~
- ~~(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 or the Section 151 Officer.~~
- ~~(23) 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.~~
- ~~(24) 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.~~
- ~~(25) 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) together with rights of way powers as set out in the Town & Country Planning Act 1990.~~
- ~~(26) 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~~

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~~Wales) Order 2002 and related legislation (including Disabled Facilities Grants).~~

~~**Exception to para 20:** Applications for discretionary Disabled Facilities Grants must be submitted to Executive.~~

- ~~(27) 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.~~
- ~~(28) 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.~~
- ~~(29) 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.~~
- ~~(30) 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.~~
- ~~(31) To serve Section 215 Town and Country Planning Act 1990 notices.~~



#### **4.10.12 Director of Development**

- (1) ~~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.~~
- (2) ~~To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.~~
- (3) ~~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.~~
- (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 (Bolsover District Council only).~~
- (5) ~~(Further delegated to Assistant Director of Planning) Making Local Development Orders (section 61A TCPA) in consultation with the relevant Portfolio Holder.~~
- (6) ~~(Further delegated to Assistant Director of Planning) Creating Simplified Planning Zones (section 82 TCPA) in consultation with the relevant Portfolio Holder.~~
- (7) ~~(Further delegated to Assistant Director of Planning) Creating Enterprise Zones (section 88 TCPA) in consultation with the relevant Portfolio Holder~~
- (8) ~~(Further delegated to Assistant Director of Planning) discharge of Planning Conditions in consultation with the relevant Portfolio Holder.~~

**4.10.13 ~~Assistant Director of Finance and Resources~~ Service Director  
Finance and Section 151 Officer**

**Delegations**

**Exceptions**

- (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.
- (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.
- (9) To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.

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- (10) To initial Delegated Decisions relating to Transformation ~~Projects-Reserve spend~~ to evidence that the Section 151 Officer has been consulted.
- (11) 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.
- (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.
- (15) To serve Section 215 Town and Country Planning Act 1990 notices.

**4.10.14 ~~Assistant Service Director of Governance~~Corporate and Legal Services and Monitoring Officer**

**Delegations**

**Exceptions**

- (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) To act and perform all functions and duties of Electoral Registration Officer, Returning~~

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~~Officer, Deputy Returning Officer, Local Returning Officer, Acting Returning Officer and Local Counting Officer in all elections and referenda.~~

- (23) 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.
- (34) 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.
- (45) 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.
- (56) To negotiate and settle claims and disputes without recourse to court proceedings.
- (67) To represent the Authority and secure the appearance of an advocate on the Authority's behalf in any legal proceedings.
- (78) 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.
- (89) To advise whether decisions of the ~~Cabinet~~ Executive are in accordance with the Budget and Policy Framework.
- (940) To provide advice on the scope of powers and authority to take decisions, financial impropriety, probity and Budget and Policy Framework.

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- (104) Monitoring and advising upon all aspects associated with the Regulation of Investigatory Powers Act (RIPA).
- (112) To monitor the use of the Gifts and Hospitality Registers and to maintain and sign acknowledgement of entries in the Gifts and Hospitality Register.
- (123) To authorise officers who are not solicitors to represent the Council in legal proceedings in the Magistrates' Court.
- (134) To authorise persons to collect, recover, prosecute or appear on behalf of the Council in any legal proceedings.
- (145) Following consultation with the Leader and/or Deputy Leader and relevant Portfolio Holder, to make and revoke appointments to outside bodies.
- (156) 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).
- (167) To amend the Polling Place Scheme between reviews, following consultation with the Leader and Deputy Leader.
- (178) 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 Services.
- (189) 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

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consultation with the Head of Paid Service, the Leader and Deputy Leader up to a maximum of £5,000 in respect of each recommendation.

(1920) To provide a dispensation under Section 85 of the Local Government Act 1972, where an application for dispensation has been received and there is no Council meeting in the meeting schedule which could consider the application before expiry, a dispensation may be granted until the date of the next Council Meeting which could consider it.

(204) to make changes to the Constitution arising from any new legislation, administrative errors or conflicts in interpretation.

#### 4.11 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
<b>Local Government Act 1972</b>		
S.83(1) to (4)	Witness and receipt of Declaration of Acceptance of Office	<a href="#">Director of Corporate Services and Legal Services and Monitoring Officer</a>
S.84(1)	Receipt of notice of resignation of elected member	<a href="#">Director of Corporate Services and Legal Services and Monitoring Officer</a>
S.88(2)	Arranging a Council meeting to appoint a Chair of the Council	<a href="#">Director of Corporate Services and Legal Services and Monitoring Officer</a>
S.89(1)	Notice of casual vacancy	<a href="#">Director of Corporate Services and Legal Services and Monitoring Officer</a>

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S.100 (except 100(D))	Admission of public (including press) to meetings	<u>Director of Corporate Services and Legal Services and Monitoring Officer</u>
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	<u>Director of Corporate Services and Legal Services and Monitoring Officer</u>
S.100B(7)	The officer to supply copies of documents to newspapers	<u>Director of Corporate Services and Legal Services and Monitoring Officer</u>
S.100C(2)	The officer to prepare a written summary of the proceedings at committees and sub-committees	<u>Director of Corporate Services and Legal Services and Monitoring Officer</u>
S.100D(1)(a)	The officer to prepare a list of background papers for inspection-	<u>Director of Corporate Services and Legal Services and Monitoring Officer</u>
S.100D(5)(a)	The officer to include in the list of background papers those documents which have been relied upon-	<u>Director of Corporate Services and Legal Services and Monitoring Officer</u>
S.100F(2)	The officer to determine when a document should not be open to inspection because it discloses exempt information-	<u>Director of Corporate Services and Legal Services and Monitoring Officer</u>
S.115(2)	Receipt of money due from officers	<del>Head of Finance &amp; Resources</del> and S.151 Officer
S137A (5)	Statement on Financial Assistance	<del>Head of Finance &amp; Resources</del> and Director of Finance and S.151 Officer
S.146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities	<del>Head of Finance &amp; Resources</del> and Director of Finance and S.151 Officer
S.151 (and S.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration	<del>Head of Finance &amp; Resources</del> and Director of Finance and S.151 Officer

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	of the Council's financial affairs	
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	<del>For BDC – the NEDDC Head of Finance &amp; Resources and S.151 Officer and for NEDDC – the BDC Head of Finance &amp; Resources and Director of Finance and S.151 Officer</del>
S.191 (2) and (4)	Officer to whom an application under S.1 of the Ordinance Survey Act 1841 will be sent	<del>Head of Corporate Governance and Director of Corporate Services and Legal Services and Monitoring Officer</del>
S.225 (1) and (2)	Deposit of documents	<del>Director of Corporate Services and Legal Services and Monitoring Officer</del>
S.228(3)	Accounts for inspection by any member of the Council	<del>Head of Finance &amp; Resources and Director of Finance and S.151 Officer.</del>
S.229(5)	Certification of photographic copies of documents	<del>Legal Team Manager (Solicitor)</del>
s. 234	The officer required to give, make or issue any notice, order or other document under any enactment and to sign the same-	<del>Director of Corporate Services and Legal Services and Monitoring Officer</del>
S.236(9) and (10)	Sending of copies of byelaws to parish councils, parish meetings and County Council	<del>Legal Team Manager (Solicitor)</del>
S.238	Certification of byelaws	Governance & Civic Manager
S.248	Officer who will keep the Roll of Honorary Aldermen and Freemen	Governance & Civic Manager
<b>Local Government Act 1972 – Schedule 12</b>		
Para 4(2)(b)	Signing of summons to Council meeting	<del>Director of Corporate Services and Legal Services and Monitoring Officer</del>



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Para 4(3)	Receipt of notice about address to which summons to meeting is to be sent	<u>Director of Corporate Services and Legal Services and Monitoring Officer</u>
<b>Local Government Act 1972 – Schedule 14</b>		
Para 25	Certification of resolution passed under this paragraph (Street naming etc)	<u>Director of Development Strategic Director of Services</u>
<b>Local Government Act 1974</b>		
S.30(5)	To give notice that copies of an Ombudsman's report are available	<u>Director of Corporate Services and Legal Services and Monitoring Officer</u>
<b>Local Government (Miscellaneous Provisions) Act 1976</b>		
S.41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	<u>Director of Corporate Services and Legal Services and Monitoring Officer</u>
<b>Local Authorities Cemeteries Order 1977</b>		
Regulation 10	To sign exclusive rights of burial	<u>Director of Environment and Enforcement Director of Development (BDC) Strategic Director of Services</u>
<b>Representations of the People Act 1983</b>		
S.8	Registration Officer	<u>Head of Corporate Governance and Monitoring Officer Chief Executive Officer</u>
S.8	Deputy Registration Officer	<u>Electoral Services Manager (BDC) Electoral Services Manager (NEDDC)</u>
S.35	Returning Officer for Local Elections	<u>Head of Corporate Governance and Monitoring Officer Chief Executive Officer</u>

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S.35	Deputy Returning Officer for Local Elections	Electoral Services Manager (BDC) <del>Electoral Services Manager (NEDDC)</del>
S.24	Acting Returning Officer for a Parliamentary Election	<del>Head of Corporate Governance and Monitoring Officer</del> Chief Executive Officer
S.24	Deputy Acting Returning Officer for a Parliamentary Election	Electoral Services Manager (BDC) <del>Electoral Services Manager (NEDDC)</del>
S.52	To act in place of Registration Officer	Deputy Registration Officer (see above)
S.67	Appointment of election agent	<del>Head of Corporate Governance and Monitoring Officer</del> Chief Executive Officer
S.82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	<del>Head of Corporate Governance and Monitoring Officer</del> Chief Executive Officer
S.128, S.131, S.145, S.146	Provisions relating to election petitions	<del>Head of Corporate Governance and Monitoring Officer</del> Chief Executive Officer
S. 200	Publication of Notices under the Act	<del>Head of Corporate Governance and Monitoring Officer</del> Chief Executive Officer
Sch. 4, (3), (6) and (8)	Elections Expenses	<del>Head of Corporate Governance and Monitoring Officer</del> Chief Executive Officer
<b>Local Authorities (Conduct of Referendums) (England) Regulations 2012</b>		
S. 4, S41 and S.43	Publicity in connection with the referendum and the Declaration of result	<del>Head of Corporate Governance and Monitoring Officer</del> Chief Executive Officer
<b>Local Elections (Parishes and Communities) (England and Wales) Rules 2006</b>		

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Rules 5	Officer to receive the request for election to fill a casual vacancy in a Parish Council.	<del>Head of Corporate Governance and Monitoring Officer</del> <u>Chief Executive Officer</u>
<b>Local Government Act 2000</b>		
	All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation	<del>Chief Executive Officer</del> <del>Head of Paid Service</del> except as specifically provided in this scheme
<b>The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012</b>		
Regulation 2	Determination of documents constituting Background Papers	<u>Director of Corporate Services and Legal Services and Monitoring Officer</u>
Regulation 12	Recording of Executive decisions made at meetings of the Executive or Cabinet	<u>Director of Corporate Services and Legal Services and Monitoring Officer</u>
Regulation 14	Inspection of documents following Executive decisions	<u>Director of Corporate Services and Legal Services and Monitoring Officer</u>
Regulation 15	Inspection of background papers	<u>Director of Corporate Services and Legal Services and Monitoring Officer</u>
Regulation 13	Individual Executive decisions	<u>Director of Corporate Services and Legal Services and Monitoring Officer</u>
Regulation 7	Access to agenda and connected reports	<u>Director of Corporate Services and Legal Services and Monitoring Officer</u>
Regulation 10	General exception relating to Key Decisions	<u>Director of Corporate Services and Legal Services and Monitoring Officer</u>

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Regulation 16	Members' rights of access to documents	<a href="#">Director of Corporate Services and Legal Services and Monitoring Officer</a>
Regulation 20	Confidential/exempt information and exclusion of public from meetings	<a href="#">Director of Corporate Services and Legal Services and Monitoring Officer</a>
<b>Building Act 1984</b>		
S.78	Signing of Notices	<a href="#">Director of Development (BDC) and Director of Environment and Enforcement Strategic Director of Services</a>
<b>Public Health Act 1936</b>		
S.85(2)	To serve notice requiring remedial action where there are verminous persons or articles	<a href="#">Director of Environment and Enforcement Strategic Director of Services</a>
<b>Public Health Act 1961</b>		
S.37	Control of any verminous article	<a href="#">Director of Environment and Enforcement Strategic Director of Services</a>
<b>Public Health (Control of Disease) Act 1984</b>		
S11, 18, 20, 21, 22, 24, 29, 31, 36, 40,42, 43 and 48		<a href="#">Director of Corporate Services and Legal Services and Monitoring Officer</a>
<b>Public Health (Infectious Diseases) Regulations 1988</b>		
<b>Regulations 6, 8, 9, 10</b> Schedule 3 and 4		<a href="#">Director of Corporate Services and Legal Services and Monitoring Officer</a>
<b>Localism Act 2011</b>		

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S. 33	Submission of written requests for Standards Dispensations	<a href="#">Director of Corporate Services and Legal Services and Monitoring Officer</a>
S. 81	Administration of Community Right to Challenge	<a href="#">Director of Corporate Services and Legal Services and Monitoring Officer</a>
S.87	Maintenance of List of Assets of Community Value	<a href="#">Director of Corporate Services and Legal Services and Monitoring Officer</a>
<b>Freedom of Information Act 2000</b>		
S. 36	Qualified Person determining prejudice to effective conduct of public affairs	<a href="#">Director of Corporate Services and Legal Services and Monitoring Officer</a>
<b>Local Government and Housing Act 1989</b>		
S.2(4)	Recipient of the list of politically restricted posts	<a href="#">Director of Corporate Services and Legal Services and Monitoring Officer</a>
S.3A	Employers certificate for exemption from politically restricted posts	<a href="#">Head of Paid Service</a> <a href="#">Chief Executive Officer</a>
S.4	Head of Paid Service	<a href="#">Director of Corporate Resources</a> <a href="#">Chief Executive Officer</a>
S.5	The Monitoring Officer	<a href="#">Head of Corporate Governance</a> <a href="#">Director of Corporate Services and Legal Services and Monitoring Officer</a>
S. 5	Deputy Monitoring Officer	<a href="#">Legal Team Manager</a> <a href="#">(Contentious) (Solicitor)</a>
<b>Local Government (Committees and Political Groups) Regulations 1990</b>		
	For the purposes of the composition of committees and nominations to political groups	<a href="#">Director of Corporate Services and Legal Services and Monitoring Officer</a>
<b>Local Authorities (Standing Orders) (England) Regulations 2001</b>		

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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	<del>Director of Corporate Resources</del> <u>Chief Executive Officer</u>
<b>Data Protection Act 2018</b>		
S. 69	Data Protection Officer	Information, Engagement and Performance Manager