



PART 3

Scheme of Delegations

November 2015

Responsibility for Functions

Local Authority Functions

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

Functions that are the responsibility of the Council

2. Decisions about the policy framework and budget and other constitutional matters may only be taken by Council. A full list of these matters is shown in Article 4.
3. In most cases, Council is also responsible for regulatory functions. A full list is given in the list of statutory functions within the Scheme of Delegations.

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

4. Some functions are partly the responsibility of Council and partly the responsibility of the Executive Leader. These are:
 - the budget and any plan or strategy for the control of the council's borrowing or capital expenditure (capital plan).
 - the policy framework, that is the plans and strategies which the council approves or adopts, which is detailed in Article 4.
5. The Executive Leader and Council Cabinet will be responsible for preparing the draft budget, draft plans and strategies and proposing them to Council.
6. Council will be responsible for:
 - adopting or approving the draft budget, plan or strategy.
 - asking the Council Cabinet to reconsider it, or
 - amending the budget, plan or strategy.
7. The Executive Leader and Council Cabinet will be responsible for implementing the council's policies and spending the budget in accordance with the council's financial rules and regulations.
8. Some plans and strategies require ministerial approval after they have been approved. If the minister requires any amendments, the Council Cabinet will approve changes.

Local choice functions

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

SCHEME OF DELEGATIONS

INTRODUCTION

The following scheme gives details of the allocation of responsibilities, including any delegations to regulatory committees and officers and those from the Executive Leader to Council Cabinet, individual Council Cabinet members, officers, and neighbourhood boards, forums and ward committees.

Within this scheme, decisions are divided into:

- A** Matters reserved to Council.
- B** Matters reserved to the Council Cabinet.
- C** Matters delegated to neighbourhood boards, forums and ward committees.
- D** Matters delegated to the Health and Wellbeing Board, Standards Committee, scrutiny boards, the Appointments Panel, the Adoption Panel, the Personnel Committee, Disputes Resolution Committee, Conservation Area Advisory Committee and Fostering Panel
- E** Matters delegated to regulatory and appeals committees, the Investigating and Disciplinary Committee and the Disciplinary Appeals Committee.
- F** Matters delegated to Officers.

PART A

MATTERS RESERVED TO COUNCIL

Council reserves to itself the following powers:

- a. Adopting and changing the Council Constitution, subject to the delegation to the Monitoring Officer to make consequential changes;
- b. Approving and adopting the policy framework and the budget;
- c. Approving any application to the Secretary of State in respect of any Housing Land transfer;
- d. Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions on any executive functions where the decision would be contrary to the policy framework, or not wholly in accordance with the budget;
- e. Electing the Executive Leader;
- f. Agreeing and/or amending terms of reference for boards, committees, and neighbourhood boards, forums and ward committees, deciding on their composition and making appointments to them including the appointments of Chairs and Vice Chairs;
- g. Approving membership of, and appointing representatives to, outside bodies unless the function has been delegated by Council;
- h. Adopting a scheme for members allowances, following receipt of recommendations from the Independent Remuneration Panel;
- i. Changing the name of the area, conferring the title of honorary alderman or freedom of the city;
- j. Confirming the appointment of the Head of Paid Service;
- k. Making arrangements for the discharge of any of the council's functions by another local authority or a joint committee with other authorities;
- l. Making, amending revoking, re-enacting or adopting bylaws and promoting or petitioning against any bills in parliament, providing that in cases of urgency the Council Cabinet may authorise a petition against a bill or order;
- m. Approving any proposals relating to local government areas and the transfer, conferment or withdrawal of powers of local authorities;
- n. Matters relating to the variation of parliamentary and local government electoral areas and representation;
- o. Considering recommendations from the Council Cabinet regarding action following receipt of reports of external auditors, external inspectorate and the Local Government Ombudsman;
- p. Dealing with all non-executive policies, strategies and procedures that do not form part of the policy framework;
- q. Making decisions about any functions that by law, or as a result of local choice are not the responsibility of the Council Cabinet and have not been delegated to a committee or officer; and
- r. Considering petitions where this is required under the Petitions Scheme.

PART B

MATTERS RESERVED TO THE COUNCIL CABINET

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

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

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

The Leader has directed that the executive functions shall be discharged in accordance with this Constitution.

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

The following matters are reserved to the Council Cabinet:

1. Making recommendations to Council on the budget and the policy framework;
2. Implementing the budget and policy framework in respect of all functions except non-executive functions;
3. Making key decisions about implementation of any of the council's functions except non-executive functions. This includes all policies procedures and strategies not included in the policy framework;
4. Coordinating and securing best value within the budget and policy framework agreed by Council;
5. Undertaking activities relating to virement and other issues specified under Financial Procedure Rules;
6. Making recommendations to Council on intended action following the receipt of reports from the external auditor, external inspectorates and the Local Government Ombudsman;
7. Forming partnerships; and
8. Monitoring performance indicators, general service performance and financial management.

The following matters are reserved to the Executive Leader

1. Making executive, non-key decisions, within his/her area of responsibility, and within the limitations of the Financial Procedure Rules, which result in the council incurring expenditure or making savings of between £100,000 and £249,999;
2. Monitoring service performance and taking action to improve performance where necessary, in conjunction with the relevant service director;

3. Approving minor policies and procedures that do not have a significant impact on two or more wards, within his/her area of responsibility;
4. Approving consultation arrangements and initial proposals for policies, plans and strategies within the budget and policy framework in accordance with the Budget and Policy Framework Rules;
5. Making recommendations to Council Cabinet on matters reserved to Council Cabinet
6. Other than executive matters reserved to the Council Cabinet, to discharge executive functions which have not been allocated to an individual member of the Council Cabinet or an officer, or to arrange for the discharge of those functions by an individual member of the Council Cabinet or an officer;
7. Performing the functions of, or taking decisions on matters reserved to, an individual member of the Council Cabinet if the Monitoring Officer determines that the relevant individual member is unable to act;
8. Taking decisions in cases of urgency in respect of any executive matter, including key decisions;
9. Receiving and considering petitions in accordance with the Petitions Scheme; and
10. Exercise of the Derby Homes Single Shareholder Vote. This function may be allocated by the Executive Leader to another member of the Council Cabinet.

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

1. Making executive, non-key decisions, within his/her area of responsibility, and within the limitations of the Financial Procedure Rules, which result in the council incurring expenditure or making savings of between £100,000 and £249,999;
2. Monitoring service performance, within his/her area of responsibility, and taking action to improve performance where necessary, in conjunction with the relevant service director;
3. Approving consultation arrangements and initial proposals for policies, plans and strategies within the budget and policy framework in accordance with the Budget and Policy Framework Rules;
4. Approving minor policies and procedures that do not have a significant impact on two or more wards, within his/her area of responsibility;
5. Making recommendations to the Council Cabinet, within his/her areas of responsibility, on matters reserved to the Council Cabinet;
6. Receiving and considering petitions in accordance with the Petitions Scheme.

Deputy Leader

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

Decision Making

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

PART C

MATTERS THAT ARE DELEGATED TO NEIGHBOURHOOD BOARDS, FORUMS AND WARD COMMITTEES

The following matters are reserved to Neighbourhood Boards

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

The following matters are reserved to Neighbourhood Forums

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

The following matters are reserved to Ward Committees

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

PART D

MATTERS THAT ARE DELEGATED TO THE HEALTH AND WELLBEING BOARD, STANDARDS COMMITTEE, OVERVIEW AND SCRUTINY BOARDS, THE CORPORATE PARENTING COMMITTEE, THE APPOINTMENTS PANEL, THE ADOPTION PANEL, THE PERSONNEL COMMITTEE, DISPUTES RESOLUTION COMMITTEE, THE CONSERVATION AREA ADVISORY COMMITTEE AND THE FOSTERING PANEL

Health and Wellbeing Board

The Health and Wellbeing Board was established as a statutory committee of the council under the Health and Social Care Act 2012.

Derby Health and Wellbeing Board will lead and advise on work to improve the health and wellbeing of the population of Derby and specifically to reduce health inequalities. It will support the development of improved and joined up health and social care services.

The Health and Wellbeing Board has a duty (under the Health and Social Care Act 2012; Local Government and Public Involvement Act 2007; National Health Service Act 2006) to:

- 1) Encourage integrated working – through promoting an ethos of integration and partnership in the planning, commissioning and delivery of services to improve the health and wellbeing of the population of Derby and reduce health inequalities;
- 2) Prepare and publish a Joint Strategic Needs Assessment (JSNA) of current and future health and social care needs in relation to the population of the local authority;
- 3) Prepare and publish a Pharmaceutical Needs Assessment (PNA) to assess the need for pharmaceutical services in Derby;
- 4) Prepare and publish a Health and Wellbeing Strategy – a strategy for meeting the needs identified within the JSNA. The local Healthwatch and people living or working in the area must be involved in the development of the strategy; and
- 5) Receive the Commissioning Plan of Southern Derbyshire CCG – this includes involvement in preparation of the plan and ensuring that it takes due regard of the JSNA and Health and Wellbeing Strategy.

In addition to the stated statutory functions, the Health and Wellbeing Board will also:

- 6) Be a designated outcome board of Derby City and Neighbourhoods Partnership with responsibility for the implementation and monitoring of elements of the Derby Plan;
- 7) Establish time limited task and finish groups as required to carry out work on behalf of the board.

Standards Committee

The Standards Committee is established to:

- 1) Promote and maintain high standards of conduct by councillors, co-opted members and church and parent governor representatives;
- 2) Assist councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- 3) Advise the council on the adoption or revision of the Members' Code of Conduct;

- 4) Monitor the effectiveness of the Members' Code of Conduct;
- 5) Advise the council on the adoption or revision of related codes or protocols;
- 6) Monitor the effectiveness of related codes or protocols;
- 7) Advise on training for councillors, co-opted members and church and parent governor representatives on matters relating to the Members Code of Conduct; and
- 8) Assess, review and determine complaints about members.

Overview and Scrutiny Boards

Corporate Scrutiny and Governance Board

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

- 1) Review and/or scrutinise decisions made or actions taken in connection with the discharge of the council's functions;
- 2) Make reports or recommendations to Council, Council Cabinet or any committees of the council in respect of the discharge of the council's functions;
- 3) Deliver the scrutiny of decisions subject to call-in following the call-in procedure to consider if a decision has been made in accordance with decision-making principles, and determine whether to ask the decision maker to reconsider or review the decision in-line with these principles;
- 4) Consider recommendations from scrutiny review boards in respect of areas for performance review, and to undertake any such performance review;
- 5) Make recommendations to scrutiny review boards on areas to consider for policy development and review;
- 6) Provide an annual report to Council on the workings of the scrutiny function; and
- 7) Carry out any other statutory duties and responsibilities allocated to local authority scrutiny committees.

Scrutiny Review Boards (Inspiring Young People Board, Integrating Communities Board, Protecting Vulnerable Adults Board, Regenerating Our City Board and Supporting Derby's Workforce Board)

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

- 1) Agree a programme of policy development and review in relation to the board's allocated topic area, and to undertake any policy development and review arising;
- 2) Consider service updates in relation to council and non-council functions within the board's allocated topic area;
- 3) Make reports or recommendations to Council, Council Cabinet or any committees of the council in respect of the discharge of the council's functions;
- 4) Make recommendations to the Corporate Scrutiny and Governance Board in respect of performance areas for review;

In addition, the Corporate Scrutiny and Governance Board is specifically allocated as the council's statutory health scrutiny committee and statutory crime and disorder committee, however these matters may be considered by the Protecting Vulnerable Adults Board and Integrated Communities Board respectively through delegation from the Corporate Scrutiny and Governance Board.

Adoption Panel

To deal with all cases referred to it and make recommendations about the matters required to be considered by the Adoption Agencies Regulations 2005.

Fostering Panel

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

Corporate Parenting Committee

To consider matters relating to the council's duties in respect of looked after children, including the role of elected members and the authority as a whole as 'Corporate Parents'.

Appointments Panel

Subject to the Officer Employment Procedure Rules, an Appointments Panel will:

- 1) make recommendations about the appointment of the Chief Executive and Head of the Paid Service, Monitoring Officer, Chief Financial Officer (Section 151 Officer); and
- 2) make appointments of other Strategic Directors and Service Directors.

With the exception of appointments relating to the Director of Public Health (detailed below), an Appointments Panel shall comprise at least three members to include a Council Cabinet member, provided that at least one member of each political group, recognised by Council, is represented or given due opportunity to be represented.

Appointment of Chief Executive and Head of Paid Service

For the appointment of the Chief Executive and Head of Paid Service, the panel shall be determined by the Monitoring Officer.

Appointment of Monitoring Officer, Chief Financial Officer (Section 151 Officer), and all other Strategic and Service Directors

For the appointment of the above, the panel shall be determined by the Chief Executive.

Appointment of Director of Public Health

For the appointment of the Director of Public Health, the panel shall comprise:

- A councillor to be determined by the Chief Executive;
- The Chief Executive or his/her nominated deputy;
- An external faculty assessor appointed following consultation with the Faculty of Public Health and agreed by Public Health England;
- The Regional Director of Public Health or his/her nominated deputy; and
- A senior NHS representative to be determined by the Chief Executive.

Personnel Committee

To approve corporate personnel and health and safety policies, other than minor or technical changes to existing policies which do not affect the underlying principles of the policies.

To approve changes to staffing levels or organisational structures that result in a cost of £100,000 a year or more, or where there is no budget provision, unless the change is incidental to a key decision taken by the Council Cabinet.

To take key policy decisions in relation to equal pay, single status and job evaluation.

Disputes Resolution Committee

To consider disputes over terms and conditions of employment.

Conservation Area Advisory Committee

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

PART E

MATTERS THAT ARE DELEGATED TO REGULATORY AND APPEALS COMMITTEES, THE INVESTIGATING AND DISCIPLINARY COMMITTEE AND DISCIPLINARY APPEALS COMMITTEE

By law, Council must deal with some functions unless they are delegated to regulatory committees or officers. There are some other functions where there is local choice whether the Council or the Council Cabinet deals with them. These are detailed later in the Scheme of Delegations.

Audit and Accounts Committee

Statement of purpose

The Audit and Accounts Committee is a key component of the council's corporate governance. It provides a high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of the Audit and Accounts Committee is to provide independent assurance to the members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the council's governance, risk management and control frameworks.

The Audit and Accounts Committee is authorised to discharge the following functions:

Internal Audit

1. To consider and approve the annual internal audit plan, including internal audit's resource requirements;
2. To approve the internal audit charter;
3. To approve significant interim changes to the annual audit plan and resource requirements;
4. To consider (periodic) reports from the Head of Internal Audit on:
 - internal audit's performance during the year, including updates on key findings, issues of concern and action in hand;
 - regular reports on the results of the Quality Assurance and Improvement Programme; and
 - reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough to be included in the Annual Governance Statement;
5. To consider the Head of Internal Audit's annual report, including:
 - the statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application note;
 - the results of the Quality Assurance and Improvement Programme;
 - the opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion;
6. To consider summaries of specific internal audit reports as requested;
7. To consider reports dealing with the management and performance of the providers of internal audit services;

8. To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale and where management has accepted a level of risk that may be unacceptable to the authority;
9. In conjunction with the council's Section 151 Officer, to commission work from internal audit;
10. To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years;
11. To consider a report on the effectiveness of internal audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations; and
12. To support the development of effective communication with the head of internal audit.

External Audit

13. To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance and such specific reports as are agreed with external audit;
14. To comment on the scope and depth of external audit work and to ensure it gives value for money;
15. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies; and
16. In conjunction with the council's Section 151 Officer, to commission work from external audit.

Governance, Risk, Control

17. To review the council's arrangements for corporate governance against the good governance framework and consider quarterly governance reports and assurances;
18. To review and approve the authority's Annual Governance Statement;
19. To maintain an overview of the council's constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour;
20. To review any issue referred to it by the chief executive or a strategic director, or any council body;
21. To consider, approve and monitor the effective development and operation of risk management in the council;
22. To consider, approve and monitor council policies on whistleblowing (Confidential Reporting Code), counter fraud measures and the council's complaints process;
23. To monitor progress in addressing risk-related issues reported to the committee;
24. To consider the council's compliance with its own and other published standards and controls; and
25. To monitor Treasury Management performance.

Financial reporting

26. To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council; and

27. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts and other reports, letters etc on the statement of accounts.

Planning Control Committee

Will deal with:

1. Decisions relating to town and country planning, commons registration and the use and regulation of highways, that would fall within the definition of key decisions if these were Executive functions.
2. Determining individual applications for planning permission and advertisement control and any other application made under planning legislation where:
 - a) 15 or more duly made objections (within 28 days of notification of an application) have been received, which raise material planning considerations and the officer recommendation is to approve permission/consent (objections from the same house or household or family members will be treated as a single objection), or
 - b) the application is contrary to a Local Plan allocation and the officer recommendation is to approve, or
 - c) a Member of the Council has, within three weeks of being sent notification of an application, written to the Director of Partnerships, Planning and Streetpride requesting its determination by the Committee, giving reasons for the request. Where the member concerned does not attend the meeting in person, or submit written representations, the application will be deemed to be determined in accordance with the recommendation of the Director of Partnerships, Planning and Streetpride.
3. Dealing with proposals to discontinue the use of land
4. Considering any objections to the making or confirmation of orders made under highways or planning legislation where there have been objections including:
 - tree preservation orders; or
 - orders to create divert or close footpaths or bridleways; or
 - to modify the definitive map.

Licensing Committee

Will, within council policies:

1. Take decisions relating to licensing and appeals functions that would fall within the definition of key decisions if these were executive functions;
2. Approve and amend policies relating to these functions; and
3. Approve arrangements for meetings of sub committees and panels, unless otherwise determined by Council.

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

- Licensing Act 2003
- Local Government (Miscellaneous Provisions) Act 1982
- Theatres Act 1968
- Cinema Act 1985

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

And in relation to other aspects previously covered by the Taxi Licensing and Appeals Committee until it was merged with the General Licensing Committee to form a single Licensing Committee by Council in May 2015.

General Licensing Sub Committee

Will, within Council policies

- A In relation to licences that cover alcohol, regulated entertainment, and other licences granted under the Licensing Act 2003, Local Government (Miscellaneous Provisions) Act 1982. and Gambling Act 2005:
1. Determine applications for a personal licence if there is a police objection;
 2. Determine applications for a personal licence from persons with an unspent conviction;
 3. Determine applications for premises licence/club premises certificate if a relevant representation is made;
 4. Determine applications for a provisional statement if a relevant representation is made;
 5. Determine applications to vary a premises licence/club premises certificate if a relevant representation is made;
 6. Determine applications to vary a designated personal licence holder if there is a police objection;
 7. Determine applications for a transfer of premises licence if there is a police objection;
 8. Determine applications for interim authorities if there is a police objection;
 9. Determine applications to review premises licence/club premises certificate;
 10. Decide whether to object when the local authority is a consultee and not the lead authority; and
 11. Determine a police representation to a temporary event notice.
- B Carry out all statutory functions as the Licensing Authority, with regard to premises licences and permits as stipulated under the Gambling Act 2005 and the council's Gambling Act Statement of Principles.

Taxi Licensing Sub Committee

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

1. Determine individual applications or matters referred to the Sub Committee by the Director of Communities, Environment and Regulatory Services, unless within council policies it is an automatic ground of refusal;
2. Suspend or revoke licences or issue written warnings;
3. Determine appeals by applicants for advertising on hackney carriages who are aggrieved at a decision of the Director for Communities, Environment and Regulatory Services; and
4. Determining individual applications where there is relevant information supplied by the Chief Officer of Police.

Employee Appeals Sub-Committee

Will deal with appeals by employees operating at Tier 3 and below, specifically

1. Re-grading appeals by all employees of the council;
2. Appeals from employees against dismissal; and
3. The final stages of the grievance and harassment procedures.

Investigating and Disciplinary Committee

The committee will:

1. Deal with all matters of discipline relating to chief officers employed by the council under Joint Negotiating Committee (JNC) terms and conditions, other than the Chief Executive and Head of Paid Service, Monitoring Officer and Chief Finance Officer, in accordance with the relevant procedures set out in Part 7 of the Council Constitution; and
2. Review and make recommendations to Council to amend the disciplinary procedures from time to time. However, in doing so, the committee is required to have regard to any changes to the model procedures, contained in the JNC Conditions of Service for Chief Executives and the JNC Conditions of Service for Chief Officers respectively, which may be implemented from time to time.

The membership of the committee is set out in the disciplinary procedures within Part 7 of the Council Constitution. The Chair of the committee shall be selected from the members of the committee by majority vote.

Council agreed at its meeting on 17 September 2014 that delegated power to take disciplinary action in accordance with the disciplinary procedures be granted to the committee. This was amended by a further decision of Council on 22 July 2015, through which separate procedures were introduced for the Chief Executive and Head of Paid Service, Monitoring Officer and Section 151 Officer.

The Council at its meeting on 17 September 2014 agreed that application of the current restriction which prohibits a meeting from sitting longer than four hours, be removed in relation to this committee, subject to a requirement on the Committee to take appropriate breaks so as to ensure the comfort of those participating in the meeting.

Disciplinary Appeals Committee

The committee will deal with appeals from chief officers employed by the council under Joint Negotiating Committee (JNC) terms and conditions, other than the Chief Executive and Head of Paid Service, Monitoring Officer and Chief Finance Officer, arising out of disciplinary action taken against them by the Council's Investigating and Disciplinary Committee, in accordance with the relevant procedures set out in Part 7 of the Council Constitution

The membership of the committee is set out in the disciplinary procedures within Part 7 of the Council Constitution. The chair of the committee shall be selected from the members of the committee by majority vote.

Note: Council approved on 22 July 2015 that disciplinary procedures for the Chief Executive and Head of Paid Service, Monitoring Officer and Chief Finance Officer shall not be conducted through the Investigating and Disciplinary Committee or the Disciplinary Appeals Committee, but through the arrangements required under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, as set out within Part 7 of the Council Constitution.

PART F

MATTERS THAT ARE DELEGATED TO OFFICERS

1. GENERAL

This scheme delegates to the Chief Executive, strategic directors and other officers the powers and duties necessary for the discharge of the council's functions subject to the specific conditions stated in 2 and 3 below. It is adopted with the aim of streamlining and simplifying the decision-making processes of the council and accordingly the scheme should be interpreted widely rather than narrowly. Where functions are delegated these should be taken to include all powers and duties necessary to carry out those functions under all present and future legislation and all incidental powers including power to serve statutory notices (after consultation with the Director of Governance (Monitoring Officer) where specified), and carry out works in default.

2. CONDITIONS

- 2.1 The scheme does not delegate to the Chief Executive, Strategic Director or other Officers any key decisions, or matters delegated to individual members of the Council Cabinet. Key decisions are defined in Article 13.
- 2.2 All powers and duties that the Chief Executive a strategic director or other officer is authorised to exercise or perform must be exercised or performed on behalf of and in the name of the council and in accordance with the Constitution and, in the case of a strategic director or other officer, any direction and/or advice of the Chief Executive.
- 2.3 Where any matter involves professional or technical considerations not within the sphere of the competence of the Chief Executive, strategic director or other officer they must consult the appropriate professional or technical officer of the council before authorising action.
- 2.4 Appointments to act as authorised or proper officers must be made by the Director of Governance (Monitoring Officer) unless specified later in the scheme.
- 2.5 The Director of Governance (Monitoring Officer) is appointed to act as authorised or proper officer for the purposes of any Act of Parliament or Statutory Instrument where qualified to do so and another officer has not been appointed.
- 2.6 The Director of Governance (Monitoring Officer) may appoint other officers to act as authorised or proper officers for the purposes of any Act of Parliament or Statutory Instrument and to appear on behalf of the council in proceedings before a Magistrates or County Court.
- 2.7 In exercising delegated powers the Chief Executive, a strategic director or other officer should only act within the council's policy framework and the revenue and

capital budgets for the relevant service as approved by the Council subject to any variations that are permitted by the Council's Financial Procedure Rules.

- 2.8 The Leader of the Council and the Chief Executive must be consulted about responses to consultation papers issued by Government departments or national or regional bodies. The appropriate member of the Council Cabinet must be consulted about responses to long-term or strategic plans of neighbouring planning authorities.
- 2.9 Consultants may only be appointed in accordance with Contract Procedure Rules.
- 2.10 Any reference to the Chief Executive, a strategic director or other officer includes any other person authorised in writing by that officer to act on their behalf.
- 2.11 In addition to the general powers conferred upon them as Chief Executive or as a strategic director, these officers will be authorised to exercise all the powers and duties specifically conferred on subordinate officers in their department. All powers and duties conferred upon subordinate officers will be exercised in accordance with any direction issued by the Chief Executive or their Strategic Director.
- 2.12 Reference to any statutory provision includes any statutory provision amending, consolidating, or replacing it for the time being in force.
- 2.13 Decisions on grants or loans to voluntary bodies up to £25,000 must be made following consultation with the relevant Council Cabinet member.

3. STAFFING CONDITIONS

- 3.1 The Chief Executive and Strategic Directors will be responsible for appointing, managing, disciplining and dismissing all employees within their departments subject to complying with:
- Corporate employment policies and conditions of service;
 - Any appropriate schemes or arrangements laid down by the Council or the Council Cabinet;
 - Any directions that may be issued from time to time by the Director of Governance (Monitoring Officer); and
 - Officer Employment Procedure Rules.
- 3.2 The following matters must be dealt with in conjunction with the Director of Governance (Monitoring Officer):
- Authorising payments of honoraria that exceed £2,000 in the case of any one employee or in circumstances that are not covered by the policy guidelines;
 - Reviewing and authorising changes to departmental structures and establishments;
 - Authorising overtime payments for employees not otherwise entitled;
 - Determining applications from employees for their post to be regraded.

- In consultation with the Director of Finance, authorising payments for employees in the case of early retirement, voluntary redundancy and redeployment.
 - Authorising the creation of additional temporary posts for more than 6 months, where budget provision exists.
 - Authorising requests for leave which are either not covered by a policy or which exceed the limits in the relevant policy.
 - Paying compensation to employees for pain and suffering incurred by them as a result of assault and/or harassment and/or attacks by animals whilst undertaking their duties and responsibilities.
 - Granting extensions of sickness pay to employees.
 - Authorising the payment of injury allowances.
- 3.3 The Director of Communities, Environment and Regulatory Services is responsible for taking action to secure the safety and welfare of employees and to take immediate action where in his/her opinion there is danger to life and limb.
- 3.4 The Director of Strategic Services and Organisational Development is responsible for:
- Developing, reviewing and monitoring personnel policy and standards across the council;
 - Establishing and maintaining effective consultation and negotiation arrangements with recognised trade unions;
 - Developing, reviewing and monitoring employment policy in relation to equality of opportunity;
 - In conjunction with the Director of Finance, reviewing annually the amounts of compensation provided for in the council's employment policies to make sure they remain at appropriate levels and in line with inflation;
 - Approving the implementation of grades resulting from the job evaluation process; and
 - Approving changes to terms and conditions of employment where there is a cost of less than £100,000 in a financial year.

4. SUB DELEGATION

- 4.1 This scheme includes the power for officers to further delegate any function which has been delegated to them under this scheme, to another officer or to other officers. Every such sub-delegation shall be in writing, setting out the name of the delegate, the terms and conditions upon which that function is to be performed, and accountability for the performance of the sub-delegated function. The officer making such sub delegation shall record the sub-delegation in a register maintained for the purpose by the Director of Governance (Monitoring Officer).
- 4.2 Directors shall devolve operational responsibilities for day to day service delivery and management to the nearest practicable point to the service user.
- 4.3 The officer named shall have the power to act for the purposes of these delegated matters as if he/she were the director or authorised officer. Sub-delegated decisions are taken in the name of the director or authorised Officer.

OFFICERS' AREAS OF RESPONSIBILITY

All non-executive functions are detailed later in the scheme.

CHIEF EXECUTIVE

The Chief Executive will have responsibility for all management, operational and non key decisions about the following functions and areas of responsibility other than those matters delegated to individual members of the Council Cabinet set out in Part B.

A Statutory Executive Functions

- 1) The functions of the council in respect of Council Tax and national non-domestic rates, except where these are reserved to Council or the Council Cabinet;
- 2) The Housing and Council Tax Benefits schemes; and
- 3) Registration Services, including births, deaths, marriages, civil ceremonies and civil partnerships.

B Areas of Responsibility

- 1) Acting as Head of the Paid Service, including providing clear, strong and motivational leadership for all officers;
- 2) Developing corporate strategies, policies and briefs for all service areas;
- 3) Having overall responsibility for promoting the Council's values, delivering its strategic aims and priorities and for promoting a positive culture across the organisation;
- 4) Giving directions and/or advice to other officers in the exercise of their powers and duties under this scheme;
- 5) Promoting high standards of governance and ensure that robust systems are in place for budgeting, planning, performance management and risk management and that the organisation complies with all of its statutory responsibilities;
- 6) Delivering high quality, impartial policy advice and support to the Leader and all elected members and to promote high standards of governance and strong and transparent, member/officer relationships;
- 7) Monitoring the achievement, impact and effectiveness of the council's corporate aims, priorities and policies;
- 8) Managing corporate consultation and communication policies and initiatives;
- 9) Preparing and publicising the council's national performance indicators;
- 10) Drawing up and implementing corporate policies on performance management;
- 11) Establishing insurance arrangements as appropriate to safeguard the assets of, and services to, the council in consultation with the Service Director - Property Services as to the valuation of interests in land and property;
- 12) Managing the council's IS/IT function and e-Business functions;
- 13) Responsible for compliance with Data Protection and Freedom of Information Acts;
- 14) Management of corporate complaints function;
- 15) Management of the Strategic Procurement function;
- 16) Managing the Council's central purchasing function;
- 17) Dealing with mayoral, civic and ceremonial matters in consultation with the Mayor and the Deputy Mayor;
- 18) Seeking the eviction of unauthorised travellers occupying Council land and repairing damage caused by them;
- 19) Dealing with corporate administrative services;
- 20) Managing local land charges, searches and enquiries;

- 21) Approving attendance of members at conferences and seminars;
- 22) Approving the use of the council suite by outside bodies and organisations;
- 23) Dealing with corporate personnel functions including reviews, policy and industrial relations, equalities and employee development; and
- 24) Managing the delivery of public catering, cleaning and caretaking (including in schools).

C Acting as Authorised/Proper Officer for the following matters

The Chief Executive will:

- act as authorised or proper officer for the purposes of any Act of Parliament or Statutory Instrument where qualified to do so and no other Officer has been appointed
- appoint officers to act as authorised/proper Officers for the purposes of any Act of Parliament or Statutory Instrument

D Drawing up the following policies and plans as part of the policy framework

The Council Plan and Annual Report

E Statutory non-executive functions, regulatory and other non-executive matters

Making decisions on behalf of the council in cases of urgency in discharge of any non-executive functions of the council other than those which are already delegated to an officer under this scheme or which by law can be discharged only by the Council.

SECTION 151 OFFICER, AS SPECIFIED IN ARTICLE 12 OF THE COUNCIL CONSTITUTION

A Statutory Executive Functions

- 1) The powers conferred in the council's Financial Procedure Rules;
- 2) The powers and duties as approved by the council and included in the Treasury Management Code of Practice and documents issued there under;
- 3) Determining local average rates in accordance with the provisions of paragraphs 3 and of Schedule 16 to the Housing Act 1985; and
- 4) Granting loans to industrialists under Section 3 of the Local Authorities (Land) Act 1963.

B Areas of Responsibility

- 1) Regulating and controlling the finances of the Council and acting as Chief Financial Officer for the purposes of Section 151 of the Local Government Act 1972;
- 2) Dealing with European Monetary Union matters;
- 3) Authorising making loans to purchase, construct, improve or repair houses;
- 4) Varying the interest rate as required on loans to housing associations;
- 5) Fixing interest rates on loans but not loans for the purchase of houses and in any case where the council has discretion about the rate of interest to be charged;
- 6) Managing Welfare Rights and Advice Services;
- 7) To accept offers of grants made by Government Departments; and
- 8) Effectiveness of Internal Audit.

D Drawing up the following policies and plans as part of the policy framework

- The budget;
- Any plan or strategy for the control of the Council's borrowing or capital expenditure (the capital plan);
- Annual statement of the authority's accounts, income and expenditure and balance sheets; and
- Any review of the Treasury Management Policy Statement.

DIRECTOR OF DIGITAL SERVICES

B Areas of Responsibility

- 1) Act as the council's Senior Information Risk Officer responsible for matters of information security.

DIRECTOR OF GOVERNANCE (MONITORING OFFICER)

C Areas of Responsibility

- 1) Acting as solicitor to the council (including the power to obtain Counsel's opinion) and as the council's Monitoring Officer;
- 2) Instituting, defending, withdrawing or settling any claims or legal proceedings on behalf of the council, either civil or criminal, or authorising other officers to;
- 3) Issuing formal cautions for criminal offences in consultation with the chief officer named as responsible for that function;
- 4) Executing on behalf of the council any legal document including any contract, agreement, lease or licence and affixing the Common Seal of the council to all necessary documents;
- 5) External Audit including anti-fraud strategy and initiatives; and
- 6) Internal Audit including anti-fraud strategy and initiatives.

D Acting as Authorised/Proper Officer for the following matters:

- Appoint officers to appear on behalf of the council in proceedings before a Magistrates or County Court;
- Serve notices under any Acts of Parliament or Statutory Instrument;
- Act as Electoral Registration Officer and Returning Officer for local government elections. The Electoral Services and Land Charges Manager will act as Deputy Electoral Registration Officer; and
- Proper Officer for Registration of Births, Deaths, Marriages and Civil Partnerships

HEAD OF DEMOCRACY

D Acting as Authorised/Proper Officer for the following matters:

- Secretary to the Independent Remuneration Panel for Members' Allowances; and
- Scrutiny Officer.

STATUTORY PUBLIC HEALTH FUNCTIONS OF THE LOCAL AUTHORITY

Functions of local authorities as to improvement of public health (as defined within the Health and Social Care Act 2012):

- 1) The council must take such steps as it considers appropriate for improving the health of the people in its area; and
- 2) The council has powers to provide grants or loans to organisations or individuals in order to improve public health (on such terms as the local authority considers appropriate).

Section 6C of the NHS Act 2006 and Part 2 of the Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013 sets out the steps that must be taken by the council in exercising its public health functions:

- 1) Provide for the weighing and measurement of relevant children (as defined within Regulation 3);
- 2) Provide or make arrangements for health check assessments for eligible people and record relevant information as specified (as defined within Regulations 4 and 5);
- 3) Provide or make arrangements (as defined within Regulation 6) to secure the provision of open access sexual health services in their area (excluding HIV treatments and care, abortion, vasectomy and sterilisation services);
- 4) Provide or make arrangements (as defined within Regulation 7) to secure the provision of a public health advice service to any Clinical Commissioning Group (CCG) in its area. The matters covered in the advice should be kept under review and agreed between the council and the CCG; and
- 5) Provide information and advice to relevant persons and bodies in the council's area to promote the preparation of, or participation in, health protection arrangements against threats to the health of the local population, including infectious disease, environmental hazards and extreme weather events (as defined in Regulation 8).

Part 3, Regulation 9 of the Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013 provides for the council to charge for certain actions in its health improvement duty. Where the council provides services as part of the comprehensive health service, these services must be free at the point of use.

The Crime and Disorder Act 1998 and Drugs Act 2005 set out requirements in relation to compulsory drug testing and treatment. To discharge these requirements, appropriate drug testing and treatment services must be available. Under the Health and Social Care Act 2012, responsibility for the provision of substance misuse services became part of the public health functions of the council. Funding for the provision of these services is included within the ring-fenced public health grant. The council therefore has responsibility for the provision of appropriate substance misuse services within its area.

The council receives a public health grant. The grant can only be used to meet eligible expenditure incurred or to be incurred by the council for the purposes of its public health functions.

The council must publish an annual report on the health of the people in the area prepared by the Director of Public Health.

Under Section 29 of the Health and Social Care Act 2012 (amending the NHS Act 2006), the

council has responsibility for functions around oral public health and a duty to help deliver and sustain good health among the prison population. The commissioning of services relating to these functions is not, however, the responsibility of the council.

Under Section 31 of the Health and Social Care Act 2012, the council must pay due regard to guidance from the Secretary of State when exercising its public health functions. In particular, the council must have regard to the Department of Health's Public Health Outcomes Framework (PHOF).

Under Section 237 of the 2012 Act, the council is required to comply with National Institute for Health and Care Excellence (NICE) recommendations to fund treatments under public health functions.

DIRECTOR OF PUBLIC HEALTH

The Director of Public Health (DPH) is a statutory chief officer of the council, and holds a politically restricted post, by section 2(6)(zb) of the Local Government and Housing Act 1989, inserted by Schedule 5 of the Health and Social Care Act 2012.

The DPH will have responsibility for all management, operational and non-key decisions about the following functions and areas of responsibility.

Statutory functions and responsibilities

Section 73A(1) of the NHS Act 2006, inserted by section 30 of the Health and Social Care Act 2012, gives the DPH responsibility for:

- 1) All of their local authority's duties to take steps to improve the health of the people in its area;
- 2) Any of the Secretary of State's public health protection or health improvement functions that s/he delegates to local authorities;
- 3) Exercising their local authority's functions in planning for, and responding to, emergencies that present a risk to the public's health;
- 4) Their local authority's role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders;
- 5) Such other public health functions as the Secretary of State specifies in regulations;
- 6) The council's public health response as a responsible authority under the Licensing Act 2003;
- 7) Providing Healthy Start vitamins (a function conferred on local authorities by the Healthy Start and Welfare Food Regulations 2005 as amended), under regulations made under section 73A(1) where the local authority provides or commissions a maternity or child health clinic;
- 8) Taking a place on their local health and wellbeing board (section 194(2)(d) of the 2012 Act);
- 9) Preparing an annual report on the health of the local population; and
- 10) Preparing and signing off an annual Statement of Assurance that the public health grant is spent in accordance with the conditions of the grant.

Appointment and dismissal

Under section 73A of the 2006 Act, inserted by section 30 of the 2012 Act:

- 1) The DPH must be appointed jointly by their local authority and the Secretary of State (in practice Public Health England). Their subsequent employment relationship is with the council exclusively;
- 2) The Secretary of State can direct the council to review the DPH's performance; and
- 3) The council must consult the Secretary of State before dismissing its DPH. The authority may still suspend its DPH from duty (following its standard rules and procedures) and the Secretary of State cannot veto its final decision on dismissal.

Corporate accountability

- 1) The DPH is a chief officer of the local authority and shares the same kind of corporate duties and responsibilities as other senior staff;
- 2) The DPH may be a standing member of the local authority's most senior corporate management team;
- 3) The DPH is directly accountable to the Chief Executive for the exercise of the local authority's public health responsibilities, and direct access to elected members; and
- 4) The DPH will have full access to the papers and other information that they need to inform and support their activity, and day to day responsibility for their authority's public health budget - although formal accountability will rest with the council's Chief Executive.

STRATEGIC DIRECTOR COMMUNITIES, PLACE & DEPUTY CHIEF EXECUTIVE

The Strategic Director, Communities and Place (and Deputy Chief Executive) will have responsibility for all management, operational and non key decisions about the following functions and areas of responsibility other than those matters delegated to individual members of the Council Cabinet set out in Part B.

A Statutory Executive Functions

- 1) All executive functions of the council:
 - as local planning authority [NOTE: issuing supplementary planning guidance, designating conservation areas, areas of archaeological interest and nature reserves, removing permitted development rights through Article 4 directions and making compulsory purchase orders are Executive decisions];
 - as highway authority and in respect of traffic regulation, public transport, building control, car parking and road safety, rights of way and open spaces including the health related functions of the council under the Highways Act 1980, Section 39 of the Road Traffic Act 1988 and Sections 63 and 93 of the Transport Act 1985;
 - as drainage authority;
 - in relation to building control, dangerous buildings and structures and safety of sports grounds;
 - in relation to arts and entertainments; and
 - in relation to libraries and museums services;
- 2) Crime and disorder;
- 3) Markets;
- 4) All executive functions of the council in relation to economic development;
- 5) Adopting land for recreational use;
- 6) Allotments;
- 7) Providing or securing the provision of recreational facilities under the Local Government (Miscellaneous Provisions) Act 1976;
- 8) Environmental health, environmental protection, control of pollution, food safety, licensing, health and safety at work, trading standards, weights and measures, and the health-related functions of the council under Sections 180 and 181 of the Local Government Act 1972;
- 9) Providing or procuring waste collection, recycling, waste treatment/disposal and street cleaning services, and providing and managing public conveniences including the health related functions of the council relating to this;
- 10) The functions of the council as a housing authority, in particular:
 - provision of housing by the council;
 - private sector housing services;
 - housing strategy and development;
 - homelessness and housing advice; and
 - home energy conservation.
- 11) Commissioning the council's delegated housing management services.

B Areas of responsibility

- Promoting the economic, social and environmental well – being of the city and communities.
- Managing the council's external affairs, including regional and European issues and acting as lead officer for the Sub-Regional Strategic Partnership and the Local Strategic Partnership;
- Regulating and controlling the use of all land and buildings owned by the council;

- Managing the council's interest's in land and property and appropriating, acquiring and disposing of land and buildings where the consideration is £100,000 or less;
- Authorising the grant or taking of leases, tenancies and licences for land or premises other than open space, where the Secretary of State's consent is not required or has been obtained;
- Negotiating and concluding settlements in relation to claims for compensation relating to the council's interests in land and property;
- Dealing with valuation matters;
- Dealing with twinning matters;
- Economic regeneration of the city and its communities;
- Managing and maintaining parks, recreation grounds, recreational facilities, open spaces, horticultural features, leisure gardens, cemeteries and crematoria;
- Managing grounds maintenance, refuse collection, street cleaning and fleet management;
- Providing building and construction works;
- Co-operating with other organisations in the promotion of local investment and employment opportunities;
- Managing corporate external funding programmes;
- Managing area and neighbourhood working, including neighbourhood boards and forums;
- Health, fitness, sport and recreation;
- Community centres, council activity centres and play schemes.
- Implementing minor environmental improvement and local drainage schemes.
- Approving plans and giving notices under Sections 16 and 28 of the Derbyshire Act 1981 and rejecting plans under Section 28 of the Act;
- Coordinating and managing emergency planning powers, mobilising the council's resources in the event of a major incident and liaising with the emergency services during the conduct of a major incident and subsequent recovery from an incident;
- Zoning of all relevant land under the Environmental Protection Act 1990 Part IV;
- Promoting and organising seasonal festivities;
- Developing and implementing environmental initiatives and projects;
- Administering environmental improvement schemes as part of area based renewal programmes;
- Managing occupational health, safety and welfare;
- Taking enforcement action against unsatisfactory housing conditions;
- Promoting standards within the private rented sector;
- Providing property services, including professional architectural, quantity surveying, electrical and mechanical engineering services;
- Managing energy efficiency and reporting on energy performance;
- Maintaining and improving other property (other than dwellings);
- Promoting home energy efficiency;
- Consider and determine applications to establish neighbourhood areas and neighbourhood forums;
- Maintaining and improving all dwellings and buildings owned by the council other than those falling within the Housing Revenue Account;
- Approving special expenditure on funerals of residents in council homes such as burial in special ground, in a distant churchyard or cemetery in a locality where the deceased had long standing connections, or on cremation to comply with the wishes of the deceased;
- Providing housing advice, administering housing allocations, including making

allocations in exceptional circumstances outside the Allocations Scheme in accordance with the Housing Act 1996 and the Homelessness Act 2002, and securing accommodation for homeless people;

- Improving and renewing private sector housing, including Houses in Multiple Occupation and improving and renewing areas/zones, bringing empty homes back into use and undertaking periodic housing condition surveys;
- Taking enforcement action against unsatisfactory housing conditions;
- Promoting standards within the private rented sector;
- Administering disabled facilities grants;
- Agreeing the Derby Homes annual delivery plan and monitoring attainment of financial and non-financial performance against the plan and Derby Homes' Business Strategy;
- Designating council housing for identified communities of interest, such as older and younger people;
- Providing community and housing research and strategy, including enabling the provision of new affordable housing;
- Reimbursing on an ex gratia basis, amounts over £1,000 on claims for accidental damage caused to clients' houses or property by employees of the Adult Social Services Department or those under its direct control.

C Acting as Authorised/Proper Officer for the following matters

- To invoke powers under the Public Order Act 1986 to ensure the protection of the local authority's land and assets;
- To Issue, in consultation with the Director of Governance (Monitoring Officer), formal cautions in accordance with the Home Office Guidance for Offences under the New Roads and Street Works Act 1991;
- Appointing any members of staff to act as authorised or proper officers for the purposes of any legislation relating to the functions allocated in sections A and E;
- Appointing officers to discharge the enforcement functions of the Dogs (Fouling of Land) Act 1996 in respect of parks and recreation grounds;
- Appointing Official Veterinary Surgeons and Inspectors for all purposes under the Fresh Meat Export (Hygiene and Inspection) Regulations 1987, the Fresh Meat (Hygiene and Inspection) Regulations 1992 and the Poultry Meat, Farmed Game, Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1994 and the Food Safety Act 1990;
- To act as or appoint the designated officer for discharging the functions and responsibilities under the Environmental Protection Act 1990;
- Appointing suitably qualified and experienced arbitrators for hackney carriage and private hire vehicles testing disputes as necessary;
- Appointing Public and Agricultural Analysts for all purposes under the Food Safety Act 1990 and Agriculture Act 1970;
- Appointing proper officers and alternate officers for the control of communicable diseases, food poisoning and compulsory removal of persons to hospital under section 47 of the National Assistance Act 1948; and
- To carry out Trading Standards functions under the Enterprise Act 2002 the Intoxicating Substances (Supply) Act 1985, the Criminal Justice Act 1988, and the Antisocial Behaviour Act 2003.

The Strategic Director, Communities and Place (and Deputy Chief Executive) is responsible for appointing any members of staff to act as authorised or proper officers for all purposes under the following Acts:

- Administration of Justice Act 1970
- Agriculture (Miscellaneous Provisions) Act 1968
- Agriculture Act 1970
- Agriculture Produce (Grading and Marking) Act 1928
- Animal Boarding Establishments Act 1963
- Animal Health & Welfare Act 1984
- Animal Welfare Act 2006
- Anti Social Behaviour Act 2003
- Breeding and Sale of Dogs (Welfare) Act 1999
- Building Act 1984
- Burials Act 1957
- Business Names Act 1985
- Caravan Sites and Control of Development Act 1960
- Charities Act 2006
- Children & Young Persons (Protection from Tobacco) Act 1991
- Children & Young Persons Act 1933
- Cinemas Act 1985
- Classification, Packaging and Labelling of Dangerous Substances Regulations 1984
- Clean Air Act 1993
- Clean Neighbourhoods and Environment Act 2005
- Companies Act 1985
- Consumer Credit Acts 1974 and 2006
- Consumers, Estate Agents and Redress Act (CEARA) 2007 (including Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 made under this Act)
- Consumer Protection Act 1987
- Control of Dogs Order 1992
- Control of Pollution Act 1974
- Control of Pollution (Amendment) Act 1989
- Copyright, Designs and Patents Act 1988
- Criminal Attempts Act 1981
- Criminal Justice Act 1988
- Criminal Justice and Police Act 2001
- Dangerous Dogs Act 1991
- Dangerous Wild Animals Act 1976
- Data Protection Act 1998
- Disability Discrimination Act 1995
- Dogs (Fouling of Land) Act 1996
- Dogs Act 1871 and 1906
- Education Reform Act 1988
- Energy Conservation Act 1981
- Environment Act 1995 – Parts II & IV
- Environmental Protection Act 1990
- Enterprise Act 2002
- Equalities Act 2010
- Estate Agents Act 1979
- European Communities Act 1972
- Explosives (Age of Purchase etc) Act

- 1976 Explosives Act 1875
- Explosives Act 1923
- Factories Act 1961 Fair Trading Act 1973
- Farm and Garden Chemicals Act 1967
- Food and Environmental Protection Act 1985 Food Safety Act 1990
- Food Standards Act 1999
- Forgery and Counterfeiting Act 1981
- Fraud Act 2006
- Freedom of Information Act 2000
- Gambling Act 2005
- Hallmarking Act 1973
- Health Act 2006
- Health and Safety at Work Etc. Act 1974
- Highways Act 1980
- House to House Collections Act 1939
- Housing Acts 1980, 1985, 2004
- Insurance Brokers (Registration) Act 1977
- Insurance Companies Act 1981
- Intoxicating Substances (Supply) Act 1985
- Licensing Act 2003
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government (Miscellaneous Provisions) Act 1982
- Local Government Act 2000
- Magistrates Courts Act 1980
- Medicines Act 1968
- Motor Cycle Noise Act 1987
- National Assistance Act 1948
- Noise Act 1996
- Noise and Statutory Nuisance Act 1993
- Offensive Weapons Act 1996
- Offices, Shops and Railway Premises Act 1963
- Pet Animals Act 1951
- Petroleum (Consolidation) Act 1928
- Petroleum (Transfer of Licences) Act 1936
- Poisons Act 1972
- Pollution Prevention and Control Act 1999
- Prevention of Damage by Pests Act 1949
- Prices Acts 1974 and 1975
- Proceeds of Crime Act 2002
- Property Misdescriptions Act 1991
- Protection of Animals (Amendment) Act 1954
- Protection of Animals Act 1911
- Public Health (Control of Disease) Act 1984
- Public Health Act 1961
- Public Health Act 1936
- Refuse Disposal (Amenity) Act 1978
- Riding Establishments Act 1964 and 1970
- Road Traffic (Foreign Vehicles) Act 1972
- Road Traffic Acts 1988 & 1991

- Road Traffic Regulation Act 1984
- Scotch Whisky Act 1988
- Scrap Metal Dealers Act 1964
- Solicitors Act 1974
- Sunbed Regulations Act 2010
- Sunday Trading Act 1994
- Telecommunications Act 1984
- Theatres Act 1968
- Theft Acts 1968 and 1978
- Timeshare Act 1992
- Town and Country Planning, Churches and Places of Religious Town and Country Planning Act 1990 (as amended)
- Town Police Clauses Act 1847
- Trade Descriptions Act 1968
- Trade Marks Acts 1938 & 1994
- Trading Representations (Disabled Persons) Act 1958
- Trading Stamps Act 1964
- Transport Act 1985
- Unsolicited Goods and Services Act 1971 Vehicle (Crime) Act 2001
- Video Recordings Act 1984
- Weights and Measures Acts 1976 and 1985
- Wildlife and Countryside Act 1981
- Worship and Burial Grounds Regulations 1950

And for appointing Inspectors for all purposes under the:

- Health and Safety at Work Act 1974 including appointing people to accompany Health and Safety Inspectors pursuant to section 20 of the Act
- The Sunday Trading Act 1994
- The Bovine Products (Production and Dispatch) Regulations 1997
- The Petroleum (Consolidation) Act 1928

D Drawing up the following policies and plans that form part of the policy framework:

- Sustainable Community Strategy;
- Crime and Disorder Reduction Strategy;
- Local Transport Plan;
- Plans and strategies which together comprise the Development Plan; and
- The Licensing Authority Policy Statement.

DIRECTOR OF COMMUNITIES, ENVIRONMENT AND REGULATORY SERVICES

B Areas of responsibility

The Director of Communities Environment and Regulatory is responsible for establishing the Domestic Homicide Review. The review looks into the circumstances in which the death of a person aged 16 or over has, or appears to have, resulted from violence, abuse or neglect.

The Director of Communities, Environment and Regulatory Services is responsible for appointing any members of staff to act as authorised or proper officers under the following Acts, insofar as the appointment relates to functions listed:

- Animal Gatherings Order 2010
- The Consumers, Estate Agents and Redress Act 2007
- The Energy Act 2011
- The Energy Act 2013
- The Anti-social Behaviour, Crime and Policing Act 2014
- Control of Horses Act 2015
- Food Information to Consumers Regulation 2014 (1169/2011)
- General Product Safety Regulations 2005
- Business Protection from Misleading Marketing Regulations 2008
- Consumer Protection from Unfair Trading Regulations 2008
- The Consumer Contracts (Information, Cancellation and additional Charges) Regulations 2013
- Money Laundering Regulations 2007 – Power under Reg 46 for LA to prosecute – also for Accredited Financial Investigators
- Energy Information Regulations 2011
- Energy Performance of Buildings (England and Wales) Regulations 2012
- Transmissible Spongiform Encephalopathies (England) Regulations 2010
- Consumers Right Act 2015
- Regulatory Enforcement and Sanctions Act 2008

DIRECTOR OF REGENERATION, PROPERTY AND HOUSING

B Areas of responsibility

The Director of Regeneration, Property and Housing is responsible for appointing any members of staff to act as authorised or proper officers under the following Acts:

- Energy Conservation Act 1996
- Environmental Protection Act 1990
- Home Energy Conservation Act 1995
- Homelessness Act 2002
- Housing Acts 1985, 1996 and 2004
- Housing, Grants, Construction and Regeneration Act 1996
- Local Government Act 2000
- Local Government and Housing Act 1989
- Local Government, Miscellaneous Provisions Act 1976
- Local Government, Miscellaneous Provisions Act 1982
- Public Health Act 1936
- Public Health Act 1961
- Prevention of Damage by Pests Act 1949
- Regulatory Reform (Housing Assistant) (England and Wales) Order 2002
- Building Act 1984
- Water Industry Act 1991

STRATEGIC DIRECTOR PEOPLE SERVICES

The Strategic Director, People Services will act as statutory Director of Children's Services and as statutory Director of Adult Services.

The Strategic Director, People Services will have responsibility for all management, operational and non-key decisions about the following functions and areas of responsibility other than those matters delegated to individual members of the Council Cabinet set out in Part B.

A Statutory Executive Functions:

- 1) The functions of the council as Local Education Authority, in particular:
 - centrally funded school services;
 - support and challenge to school improvement;
 - special education needs services;
 - adult and youth services;
 - mandatory and discretionary awards;
 - the education welfare service;
 - planning and securing the provision of sufficient school places and determining an admissions policy;
 - safeguarding and improving education standards and provision; and
 - the health-related functions of the Council under section 57 of the Education Act 1996 and as education authority under sections 5, 7 or 8 of the Disabled Persons (Services, Consultation and Representation) Act 1986;
- 2) The functions of the council which are social services functions within the meaning of the Local Authority Social Services Act 1970 so far as those functions relate to children and in particular:
 - assessment and care planning for children and families;
 - functions relating to child protection;
 - provision of reception and hospital services;
 - functions relating to disabled children;
 - functions relating to family support services;
 - commissioning of accommodation and residential care for children;
 - acting as a fostering agency;
 - acting as an adoption agency;
 - functions relating to private fostering day care and child minding; and
 - any health related functions exercisable by the Council under section 31 of the Health Act 1999 so far as they relate to Children and Young People;
- 3) The functions of the council as a children's services authority;
- 4) Lead responsibility for the Youth Offending Service;
- 5) The functions of the council as a Social Services Authority (within the meaning of the Local Authority Social Services Act 1970), in particular:
 - assessment, care planning and provision of community care services;
 - functions relating to disability and sensory services;
 - commissioning of adult social care;
 - health improvement planning;

- functions relating to mental health;
- the registration and inspection functions as a Social Services Authority;
- any health related functions of the council exercisable by the council under section 31 of the Health Act 1999 other than those relating to children and young people's services; and
- the functions required by the Civil Defence Acts 1939 and 1948, the War Charities Act 1940 and the Wireless Telegraphy Act 1949.

B Areas of Responsibility

- 1) Approving fees for accommodating pupils in voluntary and other authority schools previously approved by the Department for Education and Skills if suitable accommodation for the child concerned is not available in a Derby City school;
- 2) Considering school Ofsted reports and bringing significant matters requiring local authority action to the attention of the Council Cabinet and, where appropriate, the Education Commission;
- 3) Reimbursing on an ex gratia basis, amounts over £1000 on claims for accidental damage caused to clients' houses or property by employees of the directorate or those under its direct control;
- 4) Appointing appropriate staff as members of Primary Care Trust Professional Executive Committees, jointly with the Chief Executive;
- 5) Waiving or reducing charges for services provided by the department where full payment of the charges would cause particular hardship or otherwise be inappropriate;
- 6) Determining grants for individual clients;
- 7) Determining care in the community grants and other social care grants for individual clients;
- 8) Managing the Supporting People programme;
- 9) Operating Derby Care Link;
- 10) Waiving or reducing charges for services provided by the department where full payment of the charges would cause particular hardship or otherwise be inappropriate;
- 11) Entering and inspecting any premises and any records kept in them for any purposes under the Care Act 2014.

C Acting as Authorised/Proper Officer for the following matters

- 1) Entering and inspecting any premises and any records kept in them for any purposes under the Children Act 1989, the Adoption and Children Act 2002 or the Children Act 2004;
- 2) Inspecting any children in such premises and arranging for the welfare of them;
- 3) Acting as, or appointing a receiver, to deal with appropriate matters where the Court of Protection has to appoint an officer of the council to act for children or young people who are incapable of managing their own affairs;
- 4) Applying to the Court or a Justice of the Peace for emergency protection orders or emergency applications under the Adoption and Children Act 2004;
- 5) To discharge the enforcement functions of the council in relation to attendance at school;
- 6) Providing reports for court under the Adoption Act 1976, the Children Act 1989 and Children Act 2004;
- 7) Licensing the employment of children;

- 8) Dealing with education supervision orders;
- 9) Acting as, or appointing a receiver, to deal with appropriate matters where the Court of Protection has to appoint an officer of the council to act for people who are incapable of managing their own affairs;
- 10) Responsible for the issue of Deprivation of Liberty authorisations; and
- 11) Exercising all the powers and duties of the council under the Mental Health Act 1983 including:
 - receiving documents served on the council, including applications for guardianship;
 - giving the council's consent to the amendment of guardianship applications; and
 - authorising employees to carry out the duties of Approved Social Workers if they are qualified to do so.

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

D Drawing Up the following policies and plans that form part of the policy framework:

- Children and Young People's Plan
- Youth Justice Plan

E Statutory non-executive functions

Power to license the employment of children.

LIST OF STATUTORY FUNCTIONS

The following functions are either the responsibility of the responsible body named in the second column or the responsible officer named in the third column. The responsible body will exercise the functions for all matters which fall within Parts A to E of the Scheme of Delegations. The responsible officer will exercise the functions for all matters which fall outside Parts A to E of the Scheme of Delegations.

KEY

Responsible bodies: Planning Control Committee (PCC), Licensing Committee (LC), General Licensing Sub Committee (GLSC), Taxi Licensing Sub Committee (TLSC), Audit and Accounts Committee (AAC), Council Cabinet (CC)

Responsible officers: Director of Strategic Partnerships, Planning and Streetpride (DSPPS), Director of Governance (DG), Director of Communities, Environment and Regulatory Services (DCERS), Director of Younger Adults (DYA), Director of Regeneration, Property and Housing (DRPH), Strategic Director, People Services (SDPS), Chief Executive (CEX), Director of Leisure, Culture and Tourism (DLCT), Director of Finance (DF)

PART A

NON EXECUTIVE FUNCTIONS

Planning and Development Control Functions

Ref	Function	Responsible body	Responsible officer
1	Power to determine application for planning permission	PCC	DSPPS
2	Power to determine applications to develop land without compliance with conditions previously attached	PCC	DSPPS
3	Power to grant planning permission for development already carried out	PCC	DSPPS
4	Power to decline to determine application for planning permission	PCC	DSPPS
5	Duties relating to the making of determinations of planning applications	-	DSPPS
6	Power to determine applications for planning permission made by a local authority, alone or jointly with another	PCC	DSPPS
7	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	-	DSPPS
8	Power to enter into agreement regulating development or use of land	-	DSPPS following consultation with Chair and Vice Chair of PCC
9	Power to issue a certificate of existing or proposed lawful use or development	-	DSPPS
9a	As per 9, but specifically in relation to existing use or redevelopment	-	DSPPS following consultation with DG

Ref	Function	Responsible body	Responsible officer
10	Power to serve a completion notice		DSPPS following consultation with DG
11	Power to grant consent for display of advertisements	PCC	DSPPS
12	Power to authorise entry on to land	-	DSPPS
13	Power to require discontinuance of land	PCC	-
14	Power to serve a planning contravention notice, breach of condition notice or stop notice	-	DSPPS following consultation with DG
14a	Power to issue a temporary stop notice	PCC	DSPPS
15	Power to issue an enforcement notice	-	DSPPS following consultation with DG
16	Power to apply for an injunction restraining a breach of planning control	-	DSPPS following consultation with DG
17	Power to determine applications for hazardous substances consent, and related powers	PCC	DSPPS
18	Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites or mineral permissions relating or mining sites, as the case may be, are to be subject	PCC	DSPPS
19	Power to require proper maintenance of land	-	DSPPS
20	Power to determine application for listed building consent, and related powers	PCC	DSPPS
21	Power to determine applications for conservation area consent	PCC	DSPPS
22	Duties relating to applications for listed building consent and conservation area consent	-	DSPPS
23	Power to serve a building preservation notice and related power	-	DSPPS following consultation with DG
24	Power to issue enforcement notice in relation to demolition of unlisted building in conservation area	-	DSPPS following consultation with DG
25	Power to acquire a listed building in need of repair and to serve a repairs notice	-	DSPPS following consultation with DG
26	Power to apply for an injunction in relation to a listed building	-	DSPPS following consultation with DG
27	Power to execute urgent works	-	DSPPS

Licensing and Registration Functions

Ref	Function	Responsible body	Responsible Officer
1	Power to issue licences authorising the use of land as a caravan site	GLSC	DCERS
2	Power to license the use of moveable dwellings and camping sites	GLSC	DCERS
3	Power to license Hackney Carriages and private hire vehicles	TLSC	DCERS
4	Power to license drivers of Hackney Carriages and private hire vehicles	TLSC	DCERS
5	Power to license operators of Hackney Carriages and private hire vehicles	TLSC	DCERS
6	Power to register pool promoters	-	DCERS
7	Power to grant track betting licences	GLSC	DCERS
8	Power to license inter-track betting schemes	GLSC	DCERS
9	Power to grant permits in respect of premises with amusement machines	-	DCERS
10	Power to register societies wishing to promote lotteries	-	DCERS
11	Power to grant permits in respect of premises where amusements with prizes are provided	-	DCERS
12	Power to issue cinema and cinema club licences	GLSC	DCERS
13	Power to issue theatre licences	GLSC	DCERS
14	Power to issue entertainment licences	GLSC	DCERS
14a	1) Functions relating to determining licensing policy and establishing licensing committees under sections 5 and 6 of the Licensing Act	Council	-
	2) Functions relating to the discharge of the council's licensing functions under section 7 of the Licensing Act 2003	LC or GLSC as shown in Part E of Part 3	DCERS
	3) Functions relating to keeping a register of licensed premises under section 8 of the Licensing Act 2003	-	DCERS
	4) Power to determine applications under the Minor Variations Procedure, Licensing Act 2003	-	DCERS
14b	Power to resolve not to issue a casino premises licence	GLSC	DCERS
14c	Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises under Section 304 of the Gambling Act 2005	-	DCERS
14d	Power to institute criminal proceedings for offences under Section 342 of the Gambling Act 2005	-	DCERS
14e	Power to exchange information in accordance with Section 350 of the Gambling Act 2005	-	DCERS
14f	Function relating to the determination of fees for premises licences under the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007	GLSC	DCERS
15	Power to license sex shops and sex cinemas	GLSC	DCERS
16	Power to license performances of hypnotism	GLSC	DCERS
17	Power to license premises for acupuncture, tattooing, ear piercing and electrolysis	GLSC	DCERS
18	Power to license pleasure boats and pleasure vessels	-	DCERS
19	Power to register door staff	N/A	N/A
20	Power to license market and street trading	GLSC	DRPH
21	Power to license night cafes and takeaway food shops	GLSC	DCERS

Ref	Function	Responsible body	Responsible officer
22	Duty to keep list of persons entitled to sell non-medicinal poisons	-	DCERS
23	Power to license dealers in game and the killing and selling of game	GLSC	DCERS
24	Power to license and register premises for the preparation of food	GLSC	DCERS
25	Power to license scrap yards	GLSC	DCERS
26	Power to issue, amend or replace safety certificates (whether general or special) for sports grounds	-	DSPPS
27	Power to issue, cancel, amend or replace safety certificates for regulated stands of sports grounds	-	DSPPS
28	Power to issue fire certificates	N/A	N/A
29	Power to license premises for the breeding of dogs	GLSC	DCERS
30	Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business	GLSC	DCERS
31	Power to register animal trainers and exhibitors	-	DCERS
32	Power to license zoos	GLSC	DCERS
33	Power to license dangerous wild animals	GLSC	DCERS
34	Power to license knackers yards	GLSC	DCERS
35	Power to license the employment of children	GLSC	SDPS
36	Power to approve premises for the solemnisation of marriages	-	DG
37	Power to register common land or town or village greens	PCC	DSPPS
38	Power to register variations of rights of common	PCC	DSPPS
39	Power to license persons to collect for charitable and other causes	GLSC	DCERS
40	Power to grant consent to use a loud speaker	-	DCERS
41	Power to grant a street works licence	PCC	DSPPS
42	Power to license agencies for the supply of nurses	N/A	N/A
43	Power to issue license for the movement of pigs	GLSC	DCERS
44	Power to license the sale of pigs	GLSC	DCERS
45	Power to license collecting centres for the movement of pigs	GLSC	DCERS
46	Power to issue a license to move cattle from a market	GLSC	DCERS
46a	Power to grant permission for provision of services, amenities, recreation and refreshment facilities on highway, and related powers	PCC	DSPPS
47	Power to permit deposit of builder's skips on highways	-	DSPPS
47a	Duty to publish notice in respect of proposal to grant permission under 115E of the Highways Act 1980	PCC	DSPPS
48	Power to license planting, retention and maintenance of trees etc in part of the highway	PCC	DSPPS
49	Power to authorise erection of stiles etc on footpaths or bridle ways	PCC	DSPPS
50	Power to license works in relation to buildings etc which obstruct the highway	PCC	DSPPS
51	Power to consent to temporary deposits or excavations in streets	PCC	DSPPS
52	Power to dispense with obligation to erect hoarding or fencing	PCC	DSPPS
53	Power to restrict the placing of rails, beams etc over the highway	PCC	DSPPS
54	Power to consent to construction of cellars etc under streets	PCC	DSPPS

Ref	Function	Responsible body	Responsible officer
55	Power to consent to the making of openings into cellars etc under streets, and pavement lights and ventilators	-	DSPPS
56	Power to sanction use of part of buildings for storage of celluloid	N/A	N/A
57	Power to approve meat product premises	-	DCERS
58	Power to approve premises for the production of minced meat or meat preparation	-	DCERS
59	Power to approve dairy establishments	-	DCERS
60	Power to approve egg product establishments	-	DCERS
61	Power to issue licences to retail butchers carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready to eat foods	-	DCERS
62	Power to approve fish products premises	-	DCERS
63	Power to approve dispatch or purification centres	-	DCERS
64	Power to register fishing vessels on board which shrimps or molluscs are cooked	N/A	N/A
65	Power to approve factory vessels and fishery product establishments	-	DCERS
66	Power to register auction and wholesale markets	-	DCERS
67	Duty to keep a register of food business premises	-	DCERS
68	Power to register food business premises	-	DCERS
69	Power to issue near beer licences	N/A	N/A
70	Power to register premises or stalls for the sale of goods by way of competitive bidding	N/A	N/A

Functions Relating To Health And Safety At Work

Ref	Function	Responsible Body	Responsible Officer
1	Functions under any of the relevant statutory provisions within the meaning of part 1 of the Health and Safety at Work Act 1974, other than those discharged in the council's capacity as an employer	-	DCERS

Functions Relating to the Elections

Ref	Function	Responsible Body	Responsible Officer
1	Duty to appoint an electoral registration officer	Council	DG
2	Power to assign officers in relation to requisitions of the registration officer	-	DG
3	Functions in relation to parishes and parish councils	N/A	N/A
4	Power to dissolve small parish councils	N/A	N/A
5	Power to make orders for grouping parishes, dissolving groups and separating parishes from groups	N/A	N/A
6	Duty to appoint returning officer for local elections	Council	DG
7	Duty to provide assistance at European elections	Council	DG
8	Duty to divide constituency into polling districts	Council	DG
9	Power to divide wards into polling districts at local government elections	Council	DG
10	Power to approve polling places for polling districts	-	DG
11	Powers in respect of holding elections (parish councils)	N/A	N/A

Ref	Function	Responsible body	Responsible officer
12	Power to pay expenses properly incurred by electoral registration officers	-	DG
13	Power to fill vacancies in the event of insufficient nominations (parish councils)	N/A	N/A
14	Duty to declare vacancy in office in certain cases	-	DG
15	Duty to give public notice of casual vacancy	-	DG
16	Power to make temporary appointments to parish councils	N/A	N/A
17	Power to determine fees and conditions for supply of copies of, or extracts from, elections documents	-	DG
18	Power to submit proposals to the Secretary of State for an order under Section 10 (Pilot Schemes for local elections in England and Wales, of the representation of the People Act 2000)	Council	DG

Functions Relating To Name And Status Of Areas And Individuals

Ref	Function	Responsible Body	Responsible Officer
1	Power to change the name of the district	Council	CEX
2	Power to change the name of a parish	N/A	N/A
3	Power to confer title of honorary alderman or to admit to be an honorary freeman	Council	CEX
4	Power to petition for a charter to confer borough status	N/A	N/A

Power to Make, Amend, Revoke, Re-enact or Enforce By Laws

Ref	Function	Responsible Body	Responsible Officer
1	Power to make, amend, revoke, re-enact or enforce by laws	Council	DG

Power To Promote Or Oppose Local Or Personal Bills

Ref	Function	Responsible Body	Responsible Officer
1	Power to promote or oppose local or personal bills	Council	DG

Functions Relating To Pensions

Ref	Function	Responsible Body	Responsible Officer
1	Functions relating to local government pensions etc	N/A	N/A
2	Functions under the fireman's pension scheme	N/A	N/A

Miscellaneous Functions

Ref	Function	Responsible Body	Responsible Officer
1	Power to create footpaths and bridleways by agreement	PCC	DSPPS
2	Power to create footpaths and bridleways	PCC	DSPPS
3	Duty to keep register of information with respect to maps, statements and declarations	-	DSPPS

Ref	Function	Responsible body	Responsible officer
4	Power to stop up footpaths and bridleways	PCC	DSPPS
5	Power to determine application for public path extinguishments order at request of owner where land is used for agricultural purposes	PCC	DSPPS
6	Power to make a rail crossing extinguishment order	-	DSPPS
7	Power to make a special extinguishment order to prevent crime	PCC	DCERS following consultation with DSPPS
8	Power to divert footpaths and bridleways	PCC	DSPPS
9	Power to make a public path diversion order	PCC	DSPPS
10	Power to make a rail crossing diversion order	PCC	DSPPS
11	Power to make a special diversion order to prevent crime	PCC	DLCT following consultation with DSPPS
12	Power to require applicant for a special diversion order to enter into an agreement under section 119A of the Highways Act 1980	PCC	DLCT following consultation with DSPPS
13	Power to make a SSSI diversion order	PCC	DSPPS
14	Duty to keep register with respect to applications under sections 118Z, 118C, 119ZA and 119C of the Highways Act 1980	-	DSPPS
15	Power to decline to determine certain applications under section 121C of the Highways Act 1980	PCC	DSPPS
16	Duty to assert and protect rights of the public for use and enjoyment of the highway	-	DSPPS
17	Duty to serve notice of proposed action in relation to an obstruction where a notice to remove the obstruction has been served on the council	-	DSPPS
18	Power to apply for variation of an order requiring the council to remove an obstruction under section 130B of the Highways Act 1980	-	DSPPS following consultation with DG
19	Power to authorise temporary disturbance on surface of footpath or bridleway	-	DSPPS
20	Power temporarily to divert footpath or bridleway	-	DSPPS
21	Functions relating to the making good of damage and the removal of obstructions	-	DSPPS
22	Powers related to the removal of things so deposited on the highways as to be a nuisance	-	DSPPS
23	Power to extinguish certain public rights of way in connection with the compulsory purchase of land	PCC	DSPPS
24	Duty to keep a definitive map and statement under review	-	DSPPS
25	Power to include modifications in other orders	PCC	DSPPS
26	Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Country side act 1981	-	DSPPS
27	Duty to reclassify roads used as public paths	-	DSPPS
28	Power to prepare map and statement by way of consolidation of definitive map and statement	-	DSPPS
29	Power to designate footpath as cycle path	PCC	DSPPS

Ref	Function	Responsible body	Responsible officer
30	Power to extinguish public right of way over land acquired for clearance	PCC	DSPPS
30a	Power to authorise stopping up of diversion on highway	-	DSPPS
31	Power to authorise stopping up or diversion of footpath or bridleway	PCC	DSPPS
32	Power to extinguish public rights of way over land held for planning purposes	PCC	DSPPS
33	Power to enter into agreements with respect to means of access	-	DSPPS
34	Power to provide access in absence of agreement	PCC	DSPPS
35	Functions relating to sea fisheries	N/A	N/A
36	Power to make standing orders	Council	DG
37	Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	As detailed earlier in this Scheme of Delegations	
38	Power to make standing orders as to contracts	Council	DG
39	Duty to make arrangements for proper administration of financial affairs etc	AAC	DF
40	Power to appoint proper officers for particular purposes under section 270(3) of the Local Government Act 1972	-	DG
41	Power to make a limestone pavement order	PCC	DSPPS
42	Power to make closing order with respect to take-away food shops	-	DCERS
43	Duty to designate officer as Head of Paid Service, and carry out the functions in section 4(1) of the Local Government and Housing Act 1989,	Council	DG
44	Duty to designate officer to act as the Monitoring Officer, and to carry out the functions in section 5(1) of the Local Government and Housing Act 1989	Council	CEX
44a	Duty to provide staff etc to person nominated by Monitoring Officer	Council	-
44b	Powers relating to overview and scrutiny committees (voting rights of co-opted members)	Council	-
45	Duty to approve the authority's accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be)	AAC	DF
46	Powers relating to the protection of important hedgerows	PCC	DSPPS
47	Powers relating to the preservation of trees	PCC	DSPPS
47a	Power to deal with complaints arising from high hedges	PCC	DSPPS
48	Power to make payments or provide other benefits in cases of maladministration etc	-	DG
49	Power to issue Deprivations of Liberty authorisations	-	SDPS
50	Giving effect to the wishes of Political Groups on appointments to relevant bodies	-	DG
51	Appointment of an independent member of another authority's Standards Committee, where necessary, because of a conflict of interest or non-availability, to serve as a temporary member of the Standards Committee.	-	DG

Ref	Function	Responsible body	Responsible officer
52	Following consultation with the political group leaders, appointment of an elected member to the Standards Committee, on a temporary basis, where necessary because of a conflict of interest or non- availability	-	DG
53	Power to consult with Derbyshire Constabulary on Crackhouse Closures (Section 2 Anti-Social Behaviour Act 2003)	-	DCERS
54	Power to consult with Derbyshire Constabulary on ASB Closures (Section 2 of Anti-Social Behaviour Act as amended by Section 118 Criminal Justice & Police Act)	-	DCERS
55	Power to consult with Derbyshire Constabulary on Dispersal of Groups (Section 30 Anti-Social Behaviour Act 2003)	-	DCERS
56	Power to consult with Derbyshire Constabulary for the application of an ASBO (Section 1 Crime and Disorder Act 1998)	-	DCERS
57	Power to apply for a Drink Banning Order (Sections 1-5 and 9- 14 Violent Crime Reduction Act 2006)	-	DCERS
58	Power to consult Derbyshire Constabulary on Gang Injunctions (Section 47 Police & Crime Act 2009)	-	DCERS
59	Power to consult with Derbyshire Constabulary on the application for a Designated Public Place Order (Section 13 Criminal Justice & Police Act)	-	DCERS
60	Power to authorise directed surveillance and the use of covert human intelligence sources as prescribed for the purposes of s30(1) of the Regulation of Investigatory Powers Act 2000.	-	DG or SDPS or DCERS

PART B

LOCAL CHOICE FUNCTIONS – NON EXECUTIVE FUNCTIONS

Ref	Function	Responsible Body	Responsible Officer
1	Determining complaints other than those about elected members	-	Relevant Strategic Director
2	Appeals against decisions taken on allocations of homelessness	-	DRPH
3	Obtaining information under section 330 Town and Country Planning Act as to interests in land	-	DG
4	Obtaining particulars of people interested in land under section 16 Local Government (Miscellaneous Provisions) Act 1976	-	DG
5	Appointments and revocations of appointments to outside bodies	Council	DG
6	Appointments and revocations of recommendations on appointments to education governing bodies	Council	DG
7	Appointment and revocations of appointments to the Independent Appeals Panel	-	DG
8	Making arrangements for appeals against school exclusions or admissions	-	DG
9	Designation of Alcohol Free Zones	Council	DG

PART C

LOCAL CHOICE FUNCTIONS – EXECUTIVE FUNCTIONS

Ref	Function	Responsible Body	Responsible Officer
1	Inspection of area to detect any Statutory Nuisance	CC	DCERS
2	Investigation of any complaint as to the existence of a Statutory Nuisance	CC	DCERS
3	Making agreements for highway works	CC	DG following consultation with DSPPS
4	Functions related to contaminated land	CC	DCERS
5	Control of pollution and management of air quality	CC	DCERS