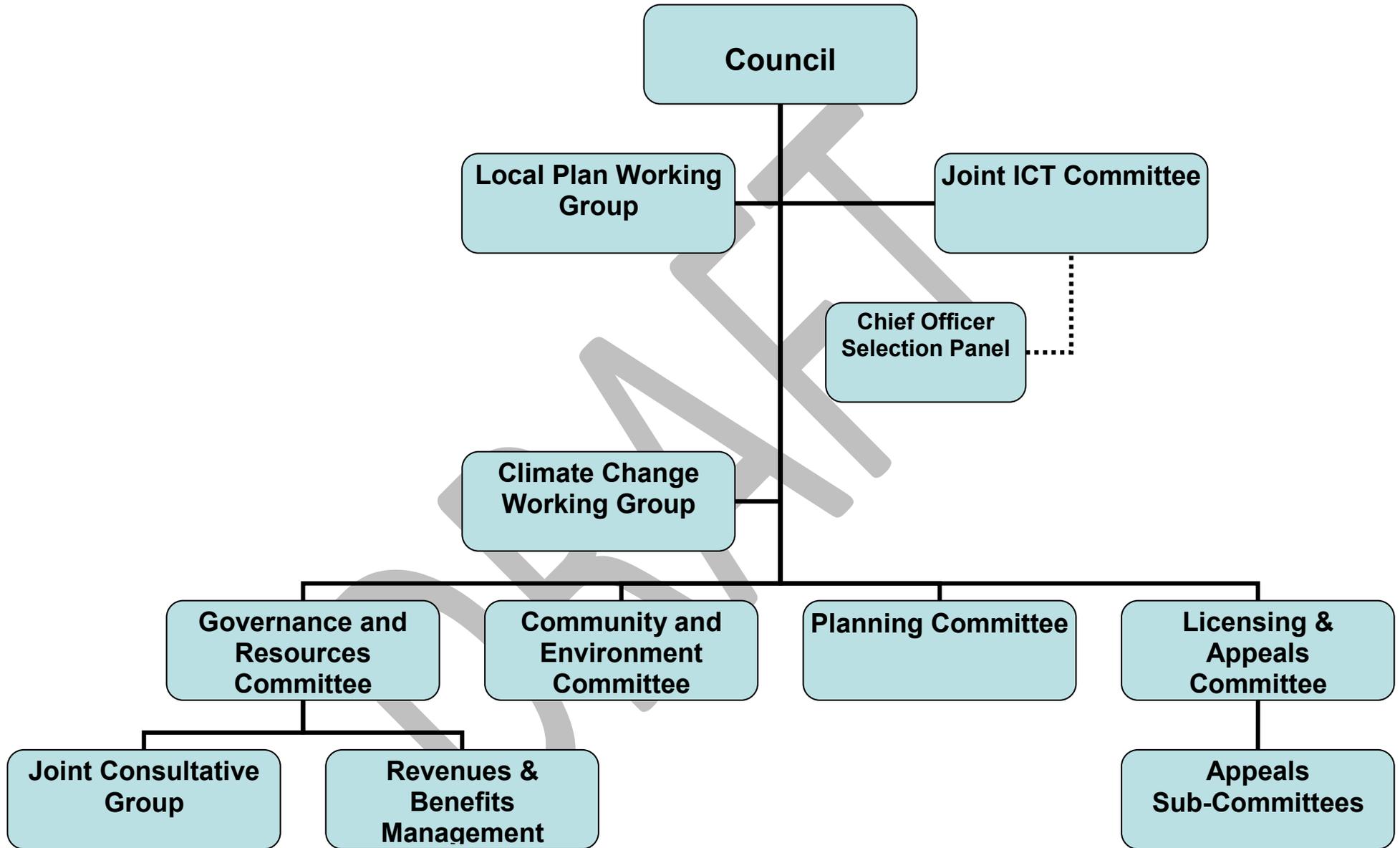


RESPONSIBILITIES FOR FUNCTIONS

Index

	Page(s)
Decision Making Structure -----	2
The Council-----	3
Delegation to Officers -----	4
Emergency Committee -----	5
Policy Committees-----	6
Urgent Business-----	6
Community and Environment Committee -----	7 - 8
Delegation to Officers -----	9 - 38
Governance and Resources Committee -----	39 - 41
Delegation to Officers -----	42 - 50
Joint Consultative Group-----	51
Planning Committees -----	52
Delegation to Officers -----	53 - 58
Local Plan Working Group -----	59
Ernest Bailey Charity Committee -----	60
Licensing & Appeals Committee -----	61 - 62
Delegation to Officers -----	63 - 72
Licensing and Appeals Sub-Committee -----	73
Joint ICT-----	74
Chief Officer Selection Panel-----	75
Climate Change Working Group-----	76



RESPONSIBILITY FOR FUNCTIONS

The Council is responsible for all functions and services administered or delivered in its name.

Some of the Council's functions may only be exercised by meetings of the full assembly of Councillors, whilst authority to deal with others may be delegated to Committees or Officers.

The following table demonstrates how the Council operates in relation to its Committees and the remaining part of this Section describes the functions Council has delegated to its Committees. Such arrangements do not in any way prevent the Council from exercising all or any of the delegated functions provided that the right to withdraw delegations must be subject to any third party rights consequent upon a Committee's or Sub-Committee's decision.

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 Corporate Plan policy framework and strategies;
- c) Considering all proposals which seek to establish new policy or which seek to propose a significant departure from existing policy.
- d) Approving the revenue budget capital programme, supplementary estimates and revised revenue budget, setting the council tax and authorising the treatment of reserves and balances;
- e) Approving or adopting a plan or strategy for the control of borrowing, investments or capital expenditure, or for determining the authority's minimum revenue provision;
- f) Agreeing and/or amending terms of reference for committees, sub-committees and forums, deciding on their composition and making appointments to them including the appointment of Chairs and Vice-Chairs;
- g) Approving Membership of, and appointing representatives to, outside bodies and approved conferences
- h) Adopting a scheme for members allowances, following receipt of recommendations from the Independent Remuneration Panel;
- i) Confirming the appointment of the Head of Paid Service, Strategic Director, Monitoring Officer, Chief Financial Officer or Strategic Director;
- j) Making arrangements for the discharge of any of the Council's functions by another local authority or a joint committee with other authorities;
- k) Making, amending revoking, re-enacting or adopting bylaws and promoting or petitioning against any bills in parliament
- l) Approving any proposals relating to local government areas and the transfer, conferment or withdrawal of powers of local authorities;
- m) Matters relating to the variation of parliamentary and local government electoral areas and representation;
- n) Making decisions about any functions that by law, or as a result of local choice are not the responsibility of the Council and have not been delegated to a committee or officer;
- o) Considering petitions where this is required under the Petitions Scheme.
- p) Considering reports of statutory Officers i.e. from the Chief Financial Officer or Monitoring Officer.
- q) Considering the reports of the Head of Paid Service in relation to organisational review and resources
- r) Adopting the District Council's Code of Conduct for elected Members

OFFICER DELEGATION – COUNCIL

Subject	Act	Functions Delegated	Officer
Civil Emergencies		To take any urgent action necessary in the event of a civil emergency and deal with matters relating to civil protection/emergency planning arising from the Council's powers and duties under the appropriate legislation.	Chief Executive
Code of Conduct (Elected members)	Local Government Act 2000	Consequential changes required to Code of Conduct required by legislation	Monitoring Officer
Council Tax Base	Local Government Finance Act 1992 – S.67	To determine the Council Tax Base	Director of Resources
Petitions	-	Petitions Officer	Director of Corporate and Customer Services
Petitions	-	Decisions on ordinary petitions	CLT in consultation with the relevant Committee Chairman and relevant Ward Member(s)
Petitions	-	Decisions on whether a petition is vexatious, abusive or otherwise inappropriate	Director of Corporate and Customer Services/Chief Executive
Petitions	-	Authority to make minor amendments to the Council's Petitions Policy	Director of Corporate and Customer Services
Reserves	-	Approval of supplementary estimates (revenue or capital) and use of the general reserve or strategic reserves up to £25,000 per event to deal with emergencies or unforeseen events	Director of Resources

EMERGENCY COMMITTEE

The Emergency Committee is not a Standing Committee but may be called upon by the Chief Executive to respond to peacetime emergency situations and to make democratically accountable decisions in the public interest.

The Committee takes its powers from Section 101 of the Local Government Act and shall be comprised of 8 members based on the principles of political proportionality. The purpose of the Committee is to enable urgent decision making on matters not explicitly reserved to the Council so that the District Council may respond in an emergency situation:

- To approve new or amended policy necessary to respond to the emergency situation
- To approve departure from existing policy and practice
- To approve the virement of approved budgets and authorise the treatment of reserves and balances
- To approve amendments to the Capital Programme
- To make any decision delegated to the two policy committees until such time as normal business is resumed
- To delegate decision making to officers on the Council's full range of responsibility when required

TERMS OF REFERENCE

Policy Committees

A significant area of work in relation to policy and strategic development is undertaken on behalf of the Council by the two Policy Committees.

The Committees each meet every 8 weeks, or at such other periods as business may demand and report to meetings of the Council. One of the aims of the Constitution is to speed up decision making and so provision has been made for each Committee to make a decision in relation to the other's business where an urgent matter needs attention.

Each Committee shall be comprised of 17 members based on the principles of political proportionality.

The Access to Information Act also provides for urgent business to be considered by the Council or any Committee within the legal definition of the Act.

Provision for urgent business

In the following circumstances, any Policy Committee may make any decision delegated to any other Policy Committee, relating to urgent business.

Urgent business is defined as:-

1. The decision cannot reasonably be deferred until it would be possible to convene a meeting of the decision making body.
2. In considering the above the following factors should be taken into account:
 - the need to respond to adverse naturally occurring events e.g. flood, fire etc;
 - the need to respond to peace-time emergency situations under the Emergency Planning arrangements;
 - the need to respond to or embark upon, a course of action with an externally set deadline which would result in significant or lesser but substantial economic social or environmental benefits or disadvantage accruing to the District.
3. Where urgent business cannot be deferred until a Policy Committee meets, urgent decisions will be taken by the Chief Executive or Director of Corporate and Customer Services in consultation with:-
 - the Chairman of the relevant decision making body;
 - in his/her absence, the Vice-Chairman;
 - advice should be obtained on vires from the Monitoring Officer;
 - affected ward members will be given notification of urgent business decisions to be taken and the method of determination.

The next section of the Constitution describes the purpose of the Committees, the service areas they are concerned with, and the delegations made to Officers of the Committee functions.

COMMUNITY AND ENVIRONMENT COMMITTEE

The purposes of this Committee are to deliver the Council’s Priorities in so far as they relate to:

<u>Priorities</u>	
<u>Place</u>	<ul style="list-style-type: none"> • Keeping the Derbyshire Dales Clean, Green and Safe
<u>People</u>	<ul style="list-style-type: none"> • Providing you with a high quality customer experience
<u>Prosperity</u>	<ul style="list-style-type: none"> • Supporting better homes and jobs

Service Areas within the remit of this Committee are:

<u>Place</u>	<ul style="list-style-type: none"> • Climate Change • Environmental Health • Public Health and Safety • Waste Collection and Recycling • Parks and Street Cleansing • Car Parking • Countryside Management • Public Conveniences • Cemeteries • Environmental Crime • Dog Warden Service • Pest Control • Highway Agency Arrangements • Community Safety • Anti-social Behaviour
<u>People</u>	<ul style="list-style-type: none"> • Community Development • Local Projects Fund
<u>Prosperity</u>	<ul style="list-style-type: none"> • Economic Development • Tourism • Regeneration • Economic and Strategic Partnerships • Neighbourhood Plans • Supplementary Planning Guidance • Conservation and Design • Tree Protection • Estate Regeneration • Private Sector Housing • Housing Strategy • Home Options • Homelessness • Affordable Housing • Disabled Facility Grants • Events

	<ul style="list-style-type: none"> • Matlock Bath Illuminations • Markets
<u>Other services</u>	<ul style="list-style-type: none"> • Sports Development • Leisure Services • Transport Operations • ABC Operations

In particular, the Council has delegated to this Committee the following tasks:

1. To implement policy, plans and strategies, including budgetary proposals as instructed by Council in relation to all services with the Committee's remit.
2. To be responsible for the effective management of services for which the Committee has responsibility.
3. To be accountable for the efficient use of resources under its control subject to virement levels.
4. To carry out the Council's statutory functions with regard to any of the named services.
5. To consider all matters over which the Council has jurisdiction affecting the named services and the health of the inhabitants of the District.
6. To receive and act upon reports from the Commission for Local Administration in England (the Ombudsman) where there has been a critical finding on a service within the Committee's remit.
7. To make Public Space Protection Orders under Section 59 of the Anti-social Behaviour, Crime & Policing Act 2014.

OFFICER DELEGATION - COMMUNITY & ENVIRONMENT COMMITTEE

In order for the Committees to concentrate their time and efforts on policy and strategic matters, routine decision making matters can be delegated to officers. The following table sets out the relevant subject areas and the responsible officers.

Subject	Act	Functions Delegated	Officer
Article 8, The Redress Schemes for lettings Agency Work and Property Management Work	Requirement to Belong to a Scheme etc. (England) Order 2014	Issue of notice, issue of final notice and imposition of monetary penalty of £5,000.	Director of Regulatory Services, Principal Officer – Environmental Health, all Environmental Health Officers/Environmental Health Manager
Abandoned Vehicles and Refuse	Refuse Disposal (Amenity) Act 1978	To carry out the duties of the Council in accordance with the Act.	Director of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Officers/Environmental Health Technician/Environmental Health Manager
	Clean Neighbourhoods & Environment Act 2005 Section 10 & Refuse Disposal (Amenity) Act 1978 Section 2B	Issue of fixed penalty notices for abandoning a vehicle	Environmental Health Officers/Environmental Health Technicians
	Clean Neighbourhoods & Environment Act 2005 Section 10 & Refuse Disposal (Amenity) Act 1978 Section 2B	Power to require the name and address of a person to whom a fixed penalty notice is to be issued	Environmental Health Officers/Environmental Health Technicians
Access to Information	Local Government (Access to Information) Act 1985	Proper Officer provision <ul style="list-style-type: none"> • Identification and retention of background papers and reports • Identification of exempt information and reasoning of public interest test 	Chief Executive/Director of Corporate and Customer Services/Directors of Service

Subject	Act	Functions Delegated	Officer
Access to Information Summons and Charges	Local Government (Access to Information) Act 1985	Summons and charges	Monitoring Officer and Chief Financial Officer in relation to their statutory roles
Access to Information	-	To increase charges for production of background papers, agenda reports and minutes annually, in line with inflation.	Director of Corporate and Customer Services
Anti-Social Behaviour	Anti-Social Behaviour, Crime and Policing Act 2014 Section 22	To apply for a Criminal Behaviour Order on conviction	Solicitor and/or Legal Assistant in Consultation with the Director of Corporate and Customer Services and/or Legal Services Manager
	Anti-Social Behaviour, Crime and Policing Act 2014 Part I	To apply for a Civil Injunction	Solicitor, Legal Assistant, Revenue Services Manager and/or Community Safety Officer in consultation with the Director of Corporate and Customer Services and/or Legal Services Manager
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 43	To issue a Community Protection Notice	Environmental Health Officers, Community Safety Officer, Clean & Green Manager and Neighbourhoods Manager
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 52	To issue a Fixed Penalty Notice for failing to comply with a Community Protection Notice	Environmental Health Officer, Neighbourhoods Manager Community Safety Officer Any other enforcement officers employed by DDDC
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 48	To instigate legal proceedings for failing to comply with a Community Protection Notice	Solicitor and/or Legal Assistant in consultation Director of Corporate and Customer Services and/or Legal Services Manager
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 68	To issue a Fixed Penalty Notice for failing to comply with a Public Spaces Protection Order	Environmental Health Officers, Director of Regulatory Services / Director of Community & Environmental Services, Neighbourhoods and Clean & Green staff and any other enforcement officers employed by DDDC.

Subject	Act	Functions Delegated	Officer
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 67	To instigate legal proceedings for failure to comply with a Public Spaces Protection Order	Director of Corporate and Customer Services and/or Legal Services Manager in conjunction with Director of relevant service
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 76	To issue a Closure Notice – 24 Hours	Licensing Manger, Principal Environmental Health Officer Community Safety Officer/Environmental Health Manager
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 76	To issue a Closure Notice – 48 Hours	Director of Regulatory Services Director of Community & Environmental Services
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 80	To apply for a Closure Order	Director of Corporate and Customer Services and/or Legal Services Manager in conjunction with Director of relevant service
Approval of Disabled Facilities Grants,	Housing Grants, Construction and Regeneration Act 1996	Approve grant assistance	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
	Regulatory Reform (Housing Assistance) (England and Wales) Order 2002	Refuse grant assistance	
Arts Development Scheme	-	To determine distribution of the Arts Development in Derbyshire Dales Fund.	Director of Community & Environmental Services
Atmospheric Pollution	Clean Air Act 1993	To serve Notices	Director of Regulatory Service/Principal Officer – Environmental Health/Environmental Health Officers/Environmental Health Manager
Atmospheric Pollution	Clean Air Act 1993	Determine applications regarding arrestment plant.	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
Atmospheric Pollution	Clean Air Act 1993	Institute proceedings.	Director of Regulatory Services in consultation with Director of Corporate and Customer Services

Subject	Act	Functions Delegated	Officer
Audible Intruder Alarms	Clean Neighbourhoods & Environment Act 2005 Section 70	Withdrawal of alarm notification area designation.	Director of Regulatory Services
Audible Intruder Alarms	Neighbourhoods & Environment Act 2005 Part 7 Chapter 1	Institute proceedings for offences under this Chapter.	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Audible Intruder Alarms	Clean Neighbourhoods & Environment Act 2005 Section 73	Issue of fixed penalty notices for offences under this Chapter.	Environmental Health Officers
Audible Intruder Alarms	Clean Neighbourhoods & Environment Act 2005 Section 76	Power to require the name and address of a person to whom a fixed penalty notice is to be issued.	Environmental Health Officers
Audible Intruder Alarms	Clean Neighbourhoods & Environment Act 2005 Section 77	Power of entry.	Environmental Health Officers
Audible Intruder Alarms	Clean Neighbourhoods & Environment Act 2005 Section 78	Authority to obtain warrant.	Environmental Health Officers
Audible Intruder Alarms	Clean Neighbourhoods & Environment Act 2005 Section 79	Power of Entry: Supplementary	Environmental Health Officers
Authority to Enter Land and Premises		Authority to issue Authority to Enter Premises Notifications for the purposes of pursuing official duties where such provisions exist in law.	Chief Executive/ Director of Corporate and Customer Services
Building Control	Building Regulations 2010, Building (Approved Inspectors etc) Regulations 2010, Building Act 1984	To exercise the powers including Proper Officer provisions under the relevant legislation:	Director of Regulatory Services
Building Regulations	Building Act 1984 S.32 S.66	To serve notice that plans have no effect where work to which the plans relate has not commenced within 3 years from their deposit	Director of Regulatory Services
Building Regulations – Charges	Building (Local Authority Charges) Regulations 2010	To vary the adopted Scheme of Charges where competition for the Building Control service prevails.	Director of Regulatory Services

Subject	Act	Functions Delegated	Officer
Building Regulations - Contraventions	Public Health Act 1936 S.287(1)(a)	Authorisation of Officers to enter premises and to institute proceedings against any person who wilfully obstructs any Officer in pursuit of their duties	Director of Regulatory Services
Burial/ Cremation (Assisted Burials)	Public Health (Control of Disease) Act 1984	To make such arrangements as are necessary for the burial or cremation of deceased persons where no suitable arrangements have been or are being made	Director of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Officers/Environmental Health Manager
Byelaws	Local Government Act 1972 S238	Proper Officer – to certify printed copies of byelaws	Director of Corporate and Customer Services
Capital Scheme as part of pre-contract mobilisation works of Leisure Service	-	To agree/authorise expenditure of the £1.2m capital sum	Estates and Facilities Manager
Car Boot Sales	-	In consultation with the Chairman of the appropriate Committee, to take action to prevent the establishment of a permanent car boot sale on a commercial basis.	Director of Regulatory Services
Car Parking Enforcement	Road Traffic Regulations Act 1984 S.35A and 112	To carry out Prosecutions.	Director of Community & Environmental Services/Director of Corporate and Customer Services
Car Parking Consent to Site Third Party Electric Vehicle Charge Points on District Council Land	-	To negotiate and enter into formal agreement for the provision of third party EV charging points on District council owned car parks.	Director of Community & Environmental Services
Carsington Reservoir Fund	-	To approve applications for grant aid in consultation with Ward Member	Director of Community & Environmental Services
CCTV	Data Protection Act 2018	Authority to sanction third parties for the usage of public space CCTV, CCTV systems and recordings.	Director of Community & Environmental Services
CCTV	Data Protection Act 2018 & Local Government Act	Authority to set fees for the usage of public space CCTV, CCTV systems and	Director of Community & Environmental Services

Subject	Act	Functions Delegated	Officer
	2003 s.93(1)	recordings.	
CCTV	Data Protection Act 2018	CCTV Manager to act as data controller for CCTV systems. To appoint and train responsible Officers. To make decisions in compliance with legislation relating to CCTV.	CCTV Manager
Churchyards not closed by statute	-	To increase grant level annually in line with inflation.	Director of Corporate and Customer Services
Conservation Area and Historic Buildings Grants	-	To approve grants under the Historic Buildings and Conservation Area Enhancement Grants Scheme up to £500 per application.	Director of Regulatory Services / Development Manager
Contaminated Land	Environment Act 1995	Powers to enter premises	Director of Corporate and Customer Services/Director of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Officers/ Environmental Health Technicians/Environmental Health Manager
Contaminated Land	Environmental Protection Act 1990, Part IIA	To Determine that land is contaminated Service of urgent remediation notices Authorise urgent remediation works and recover costs Service of remediation notices Publish remediation declarations	Director of Regulatory Services Principal Officer – Environmental Health/Environmental Health Manager
Contaminated Land	Environmental Protection Act 1990, Part IIA	Maintain Remediation Register	Director of Regulatory Services Principal Officer – Environmental Health/Environmental Health Manager
Contaminated Land	Environmental Protection Act 1990, Part IIA	Institute Proceedings	Director of Regulatory Services in consultation with the Director of Corporate and Customer Services.

Subject	Act	Functions Delegated	Officer
Contracts – General		Authority to accept alternative tenders in respect of any contract in the event of a withdrawal before the contract is complete.	Corporate and Customer Services Leadership Team
Control of Disease	Public health (Control of Disease) Act 1984	To appoint authorised officers	Chief Executive/Director of Regulatory Services
		To act as authorised officers	Environmental Health Officers/Environmental Health Technicians
		To institute legal proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
	Public Health (Control of Disease) Act 1984	To have power of entry	Environmental Health Officers/Environmental Health Technicians
		To nominate a GP in respect of infectious persons	Director of Regulatory Services
		Authority to authorise staff to issue fixed penalty notices for offences under this section	Director of Regulatory Services
Dangerous Structures	Building Act 1984 S.78	Authority to take emergency steps to secure remedial action to remove danger in consultation with Chairman or Vice-Chairman. Recovery of expenses via the courts following Committee approval.	Director of Regulatory Services Director of Corporate and Customer Services/Director of Regulatory Services/Senior Building Control Surveyor
Defective Premises	Building Act 1984 Section 76	Service of notices, authority to authorise works in default.	Director of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers/ Environmental Health Technicians/Environmental Health Manager
Drainage	Local Gov (Misc Prov) Act 1976 S35 and Public Health Act	To issue Notices and carry out necessary works in default.	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health

Subject	Act	Functions Delegated	Officer
	1961 S17		Officers/Environmental Health Manager
Drainage	Public Health Act 1936	Power to enter premises	Director of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers/Environmental/ Environmental Health Technicians/Environmental Health Manager
Drainage	Building Act 1984	Institute proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Drains, Sewers and Culverts	Public Health Act 1936 S.50, S.275 and S.290 Building Act 1984 S59/60	Serving of Statutory Notices indicating nature of remedial work to be completed. Execute works in default and re-claim all necessary expenses.	Director of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers/Environmental Health Manager
Events	-	Authority to approve applications for events on Council owned land in accordance with the Events Strategy and approved schedule of fees.	Director of Community & Environmental Services / Chief Executive (in the absence of the primary contact or in the event of a conflict of interest)
Environmental Damage	Environment Act 1995	Environmental Damage (Prevention and Remediation) (England) Regulations 2015	Director of Regulatory Services/Principal Officer – Environmental Health/All Environmental Health Officers/Environmental Health Technicians/Environmental Health Manager
Environmental Damage	Environmental Damage (Prevention and Remediation) (England) Regulations 2015	To act as authorised officers	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers/Environmental Health Manager
Environmental Damage	Environmental Damage (Prevention and Remediation) (England) Regulations 2015	Service of notices	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers/Environmental Health Manager
Environmental Damage	Environmental Damage (Prevention and Remediation) (England) Regulations 2015	To authorise works in default and recover costs.	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Manager

Subject	Act	Functions Delegated	Officer
Environmental Damage	Environmental Damage (Prevention and Remediation) (England) Regulations 2015	Institute proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Fly Tipping	Environmental Protection Act 1990 Section 33 and 33ZA	Service of Fixed Penalty Notices	Environmental Health Officers
Fly Tipping	Environmental Protection Act 1990 Section 33	Institute proceedings for the offence of depositing controlled waste on land	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Food	Food Safety Act 1990 (as amended) and all subordinate legislation.	Authority to appoint Authorised Officers as defined by Section 5(6) of the Act and all subordinate legislation and in accordance with current Codes of Practice. To appoint a Public Analyst	Chief Executive/Director of Regulatory Services Chief Executive/Director of Regulatory Services
	Food Safety Act 1990 (as amended) and all subordinate legislation	To act as Authorised Officers as defined by Section 5(6) of Act and all subordinate legislation under the Food Safety Act 1990. To issue Improvement and Emergency Prohibition Notices	Environmental Health Officers/Environmental Health Technicians/ Agency Staff
Food	Food Safety Act 1990 (as amended) and all associated/sub-ordinate legislation	To institute legal proceeding	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Food	Contaminants in Food (England) Regulations 2013	To appoint authorised officers	Director of Regulatory Services
		To act as authorised officers	Environmental Health Officers/Environmental Health Technicians
		To institute proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services

Subject	Act	Functions Delegated	Officer
	Meat (Enhanced Enforcements Powers (England) Regulations 2000	To appoint authorised officers	Director of Regulatory Services
Food	Meat (Enhanced Enforcements Powers (England) Regulations 2000	To act as authorised officers	Environmental Health Officers/Environmental Health Technicians
		To institute legal proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
	Transmissible Spongiform Encephalopathies (England) Regulations 2018	To appoint authorised officers	Chief Executive/Director of Regulatory Services
		To act as authorised officers	Environmental Health Officers/Environmental Health Technicians
		To institute legal proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Food	European Union (Withdrawal) Act 2018 s.1A and s.1B and all subordinate legislation under the European Communities Act 1972	To fulfil the requirements of the Act and of all subordinate legislation	Director of Regulatory Services/ Environmental Health Officers/Environmental Health Technicians/Agency staff
Food	Trade in Animals and Related Product Regulations 2011	To appoint authorised officers	Chief Executive/Director of Regulatory Services
		To act as authorised officers	Environmental Health Officers/Environmental Health Technicians
		To institute legal proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Food	Food Safety Act 1990 (as amended) and all associated/ subordinate	Institute legal proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services

Subject	Act	Functions Delegated	Officer
	legislation Food and Environment Protection Act 1985		
Food	Food Safety and Hygiene (England) Regulations 2013	Authority to appoint Authorised Officers	Director of Regulatory Services
		To act as Authorised Officer	Environmental Health Officers/Environmental Health Technicians/Agency Staff
		Regulation 6 – Service of Hygiene Improvement Notice	Environmental Health Officers/Environmental Health Technicians/Agency Staff
Food	Food Safety and Hygiene (England) Regulations 2013	Regulation 8 – Hygiene Emergency Prohibition Notices and Orders	Environmental Health Officers/Environmental Health Technicians/Agency Staff
		Regulation 9 – Remedial Action Notices and Detention Notices	Environmental Health Officers/Environmental Health Technicians/Agency Staff
		To institute legal proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
	The Official Feed and Food Controls (England) Regulations 2009	Authority to appoint Authorised Officers under Regulation 3 (3)	Chief Executive/Director of Regulatory Services
		Regulation 30: Notices in pursuant to Article 19 of Regulation 882/2004	Environmental Health Officers/Environmental Health Technicians/Agency Staff
		To institute legal proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Former Council Owned Properties in the Peak District National Park	Housing Act 1985 – Sections 37 & 157	To give consent to proposed transactions based on the following guidelines: To be given automatically to a person who has lived or worked within Derbyshire	Director of Corporate and Customer Services/Chief Executive

Subject	Act	Functions Delegated	Officer
		<p>or the Peak District National Park for a period of three years before the transaction</p> <p>To be given where a person has a local connection with the area and is returning to the area to care for another relative</p> <p>To be given to members of the forces with local connections returning to live in the area</p> <p>To be given to companies where at least one of the directors satisfies the qualifying conditions.</p> <p>To be given to companies whose stated aim is to provide housing for those satisfying the qualifying criteria. Consent to be conditional on compliance with this requirement</p> <p>All other cases to be referred to Committee for the exercise of their discretion.</p>	
Graffiti and Fly-Posting	Anti-Social Behaviour Act 2003	Institute proceedings	Director of Community & Environmental Services in consultation with the Director of Corporate and Customer Services
Graffiti and Fly-Posting	Anti-Social Behaviour Act 2003	Authority to authorise officers for the purpose of Section 43 of the Act (Fixed Penalty Notices)	Director of Community & Environmental Services/Neighbourhoods Manager
Health Protection	Public Health (Control of Disease) Act 1984	To have powers to enter premises to carry out local authority health protection functions	Director of Regulatory Services/Principal Officer – Environmental Health/All Environmental Health Officers/Environmental Health Technicians/Environmental Health Manager

Subject	Act	Functions Delegated	Officer
Health Protection	Public Health (Control of Disease) Act 1984	Application for a warrant to enter premises	Director of Corporate and Customer Services /Director of Regulatory Services/ Principal Officer Environmental Health/Environmental Health Manager
Health Protection	Public Health (Control of Disease) Act 1984	To nominate a GP in respect of infectious persons.	Director of Regulatory Services
Health Protection	Public Health (Control of Disease) Act 1984	The authority to authorise staff to issue Fixed Penalty Notices.	Director of Regulatory Services / Environmental Health Manager
Health Protection	Health Protection (Local Authority Powers) Regulations 2010 Regulation 2	Service of notice requiring that a child be kept away from school	Director of Corporate and Customer Services /Director of Regulatory Services/ Principal Officer Environmental Health/Environmental Health Manager
Health Protection	Health Protection (Local Authority Powers) Regulations 2010 regulation 3	Service of notice requiring a Head Teacher to provide contact details of children attending school	Director of Corporate and Customer Services/Director of Regulatory Services/ Principal Officer Environmental Health/Environmental Health Manager
Health Protection	Health Protection (Local Authority Powers) Regulations 2010 regulation 8	Service of notice requesting co-operation for health protection purposes	Director of Corporate and Customer Services/Director of Regulatory Services/ Principal Officer Environmental Health/Environmental Health Manager
Health Protection	Health Protection (Local Authority Powers) Regulations 2010 regulation 9	Service of notice prohibiting contact with a dead body	Director of Regulatory Services/Principal Officer Environmental Health/Environmental Health Manager
Health Protection	Health Protection (Local Authority Powers) Regulations 2010 regulation 10	Service of notice prohibiting any person from entering a room in which a dead body is located	Director of Regulatory Services/ Principal Officer Environmental Health/Environmental Health Manager
Health Protection	Health Protection (Local Authority Powers) Regulations 2010 regulation 11	Service of notice requiring the relocation of a dead body	Director of Regulatory Services/ Principal Officer Environmental Health/Environmental Health Manager

Subject	Act	Functions Delegated	Officer
Health Protection	Health Protection (Local Authority Powers) Regulations 2010	Institute proceedings for failing to comply with a notice served under the Regulations	Director of Regulatory Services/Director of Corporate and Customer Services
Health Protection	Public Health (Control of Disease) Act 1984	Make application to a Justice of the Peace for a Part 2A Order	Director of Regulatory Services/Director of Corporate and Customer Services
		Make application for the variation or revocation of a Part 2A Order	Director of Regulatory Services/Director of Corporate and Customer Services
Health Protection	Health Protection (Part 2A Orders) Regulations 2010 regulation 3	Service of notice informing of the application for a Part 2A Order	Director of Regulatory Services
		Recovery of costs	Director of Regulatory Services
Health Protection	Public Health (Control of Disease) Act 1984	Institute proceedings for failing to comply with a Part 2A Order	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Health and Safety	Health and Safety at Work Act 1974 S19	To authorise such officers or technicians or agency staff as deemed appropriate with enforcement powers	Chief Executive/ Director of Regulatory Services
	Health and Safety at Work Act 1974	To authorise persons to enter premises in the company of an inspector	Chief Executive/ Director of Regulatory Services
		To act as inspectors in accordance with the Act	Environmental Health Officers/Environmental Health Technicians/Agency Staff
Health and Safety	Health and Safety at Work Act 1974	To indemnify inspectors against any action brought against them arising from carrying out their inspectorial duties	Chief Executive/ Director of Regulatory Services
		To serve improvement/prohibition notices	All Officers, Technicians and Agency Staff authorised under the Act
	Health and Safety at Work Act 1974 S28(3)l(i)	To act as a proper recipient of information	Chief Executive/Director of Regulatory Services
	Health and Safety at Work Act 1974 – section 25	Power to deal with cause of imminent danger	Environmental Health Officers

Subject	Act	Functions Delegated	Officer
	Health and Safety at Work etc. Act 1974 and all associated regulations.	Institute legal proceedings	All Officers, Technicians and Agency Staff authorised under the Act in consultation with the Director of Corporate and Customer Services
	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013	To act as the enforcing authority in those premises detailed in the Regulations	All Officers, Technicians and Agency Staff authorised under the main Act
		To institute legal proceedings for an offence contravening the regulations	All Officers/ Technicians and Agency Staff authorised under the Act in consultation with the Director of Corporate and Customer Services
	The Notification of Cooling Towers and Evaporative Condensers Regulations 1992	To institute legal proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
High Hedges	Anti-social Behaviour Act 2003	To determine high hedge complaints including the issue, modification or relaxation of remedial notices. To initiate enforcement action, including prosecution, to secure compliance with a remedial notice.	Director of Regulatory Services/Development Manager/Principal Planning Officer/Environmental Health Manager
Highways - Speed limit amendments temporary closing and de-trunking	-	To respond to proposals of the Highways Authority in consultation with Ward Members.	Director of Corporate and Customer Services
Homelessness	Housing Act and 1996 Homelessness Reduction Act 2018	To make any determination and notify as appropriate.	Director of Housing Services/Housing Strategy Officer/ Home Options Officers
Land Charges	Local Land Charges Act 1975 S3 (3) 9(4)	Proper officer to maintain register of Local Land Charges and to issue the official certificate of a result of a search.	Director of Corporate and Customer Services/Chief Executive/Senior Solicitor
Land Drainage	Land Drainage Act 1991	Powers to enter premises to carry out local authority land drainage functions	Director of Regulatory Services/Principal Officer – Environmental Health/All Environmental Health Officers/Environmental Health

Subject	Act	Functions Delegated	Officer
			Technicians/Environmental Health Manager
Legal Proceedings	All relevant	To authorise the institution, defence or participation in any legal proceedings in any case where such action is necessary to give effect to decisions of the Committee where such action is necessary to protect the Council's interests.	Director of Corporate and Customer Services/Director of Regulatory Services
Litter	Clean Neighbourhoods and Environment Act 2005, Sections 19 & 24 & Section 88 of the Environmental Protection Act 1990	Authority to authorise members of staff to issue fixed penalty notices for dropping litter	Director of Community & Environmental Services/Neighbourhoods Manager
Litter	Section 87 of the Environmental Protection Act 1990	Institute legal proceedings	Director of Community & Environmental Services in consultation with Director of Corporate and Customer Services
Litter	Section 88 of the Environmental Protection Act 1990	Institute legal proceedings for failing to provide name and address	Director of Community & Environmental Services in consultation with Director of Corporate and Customer Services
Litter	Section 88A Environmental Protection Act 1990	Issue of Fixed Penalty Notices for the offence of littering from a motor vehicle	Principal Officer Environmental Health, all Environmental Health Officers, all Environmental Health Technicians/Environmental Health Manager
Litter	Environmental Protection Act 1990 Sections 93 and 94	Service of street litter control notices	Director of Community & Environmental Services/ Environmental Health Officers/Neighbourhoods Manager
Litter	Clean Neighbourhoods and Environment Act 2005 Section 24 & Environmental Protection Act 1990 Section 94	Authority to authorise members of staff to issue fixed penalty notices for breaching street litter control notices	Director of Community & Environmental Services/Neighbourhoods Manager

Subject	Act	Functions Delegated	Officer
Litter	Clean Neighbourhoods and Environment Act 2005 Section 23 & Environmental Protection Act 1990 Sections 94B and schedule 3A	Issue of consents for the distribution of free printed material Issue of consents for the distribution of free printed material	Director of Community & Environmental Services Director of Community & Environmental Services
Litter	Clean Neighbourhoods and Environment Act 2005 Section 23 & Environmental Protection Act 1990 Sections 94B and Schedule 3A	Seizure of material where an offence is committed	Director of Community & Environmental Services/Neighbourhoods Manager
Litter	Clean Neighbourhoods and Environment Act 2005 Section 23 Environmental Protection Act 1990 Sections 94B and Schedule 3A	Authority to authorise members of staff to issue fixed penalty notices for offences under this section	Director of Community & Environmental Services
Litter	Clean Neighbourhoods and Environment Act 2005 Section 23 & Environmental Protection Act 1990 Sections 94B and Schedule 3A	Institute legal proceedings under Part 3	Director of Community & Environmental Services in consultation with Director of Corporate and Customer Services
Local Authority Waste Collection and Disposal	Environmental Protection Act 1990 Section 47ZA	Issue of fixed penalty notices for offences under Section 46 & 47	Waste and Recycling Manager/Waste & Recycling Officer
Local Authority Waste Collection and Disposal	Environmental Protection Act 1990 Section 59 and 59ZA	Service of notices	Environmental Health Officers
Local Authority Waste Collection and Disposal	Environmental Protection Act 1990 Section 33	Institute proceedings for the offence of depositing controlled waste on land	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Matlock Bath Illuminations	-	The event organiser is given delegated authority to	Event organiser in consultation with the

Subject	Act	Functions Delegated	Officer
		make operational decisions in relation to the staging of the 2020 event.	Working Group and the Director of Community & Environmental Services
Means of Escape	Building Act 1984 Section 72	Service of Notices, authority to authorise works in default.	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers/Environmental Health Manager
Means of Escape	Building Act 1984 Section 72	Institute Proceedings.	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Neighbourhood Planning	Localism Act 2011 Town & Country Planning Act 1990 Planning & Compulsory Purchase Act 2004 Neighbourhood Planning (General) Regulations 2012	Following consultation with the Local Ward Member – designation of an area as Neighbourhood Area following statutory publicity of the application for Neighbourhood Area designation and where no representations of objection are received during the publicity period	Planning Policy Manager/Director of Corporate and Customer Services or Director of Regeneration and Policy in the absence of the Planning Policy Manager
Night Time Noise	Noise Act 1996	Service of warning notices and fixed penalty notices	All Environmental Health Officers
Night Time Noise	Noise Act 1996	Institute proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Noise	Noise Act 1996 Section 8B	Power to require the name and address of a person to whom a fixed penalty notice is to be issued	Environmental Health Officers
Noise - Construction Sites	Control of Pollution Act 1974	Power to enter premises To determine applications for prior consent Service of notices	Director of Regulatory Services/ Environmental Health Officers / Principal Officer – Environmental Health
Noise – Construction Sites	Control of Pollution Act 1974	Institute proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Nuisance & Abandoned Vehicles	Clean Neighbourhoods & Environment Act 2005 Sections 4 & 6	Issue of fixed penalty notices for repairing vehicles on a road	Environmental Health Officers Environmental Health Technicians
Nuisance & Abandoned Vehicles	Clean Neighbourhoods & Environment Act 2005 Section 7	Power to require the name and address of a person to whom a fixed penalty notice for the above mentioned	Environmental Health Officers Environmental Health Technicians

Subject	Act	Functions Delegated	Officer
		offences is to be issued	
Nuisance & Abandoned Vehicles	Clean Neighbourhoods & Environment Act 2005 Part 2	Institute legal proceedings under Part 2	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Performing Animals	Performing Animals (Regulations) Act 1925	Authority to enter premises and examine certificates	Director of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers
Pests – Rats and Mice	Prevention of Damage by Pests Act 1949	Service of Notices on owners or occupiers to secure action to rid premises of pests. Authority to authorise works in default.	All Environmental Health Officers
Petitions	-	Petitions Officer	Director of Corporate and Customer Services
Petitions	-	Decisions on ordinary petitions	Corporate and Customer Services Leadership team in consultation with the Committee Chairman and relevant Ward Member(s)
Petitions	-	Decisions on whether a petition is vexatious, abusive or otherwise inappropriate	Director of Corporate and Customer Services
		Authority to make minor amendments to the Council's Petitions Policy	Director of Corporate and Customer Services
Pollution Prevention and Control	Environment Act 1995	Powers to enter premises	Director of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Officers/Environmental Health Technicians/Environmental Health Manager
Pollution Prevention and Control	Environmental Permitting (England and Wales) Regulations 2016	Granting of Permits Variation of Permits Transfer of Permits Determine applications to surrender permits Service of request for information notices	Director of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers/Environmental Health Manager

Subject	Act	Functions Delegated	Officer
		Maintain the Public Register Exclude information from the Public Register	
Pollution Prevention and Control	Environmental Permitting (England and Wales) Regulations 2016	Refusal of Permits Revocation of Permits Service of enforcement notices Service of suspension notices Exercise power to prevent or remedy pollution	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers/Environmental Health Manager
Pollution Prevention and Control	Environmental Permitting (England and Wales) Regulations 2016	Institute Proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services.
Pollution Prevention and Control	Environmental Protection Act 1990 – section 13	Service of enforcement notices	Environmental Health Officers
Pollution Prevention and Control	Environmental Protection Act 1990 – Section 14	Service of prohibition notices	Environmental Health Officers
Pollution Prevention and Control	Environmental Protection Act 1990 – section 117	Power to deal with cause of imminent danger of damage to the environment	Environmental Health Officers
Private Sector Housing	Housing Act 1985	Institute proceedings.	Director of Regulatory Services in consultation with the Director of Corporate and Customer Services
Private Sector Housing	Housing Act 1985	Authority to authorise works in default.	Director of Regulatory Services
Private Sector Housing	Housing Act 1985 and Housing Act 2004	Services of Demolition Orders, Overcrowding Notices	Director of Regulatory Services/ Environmental Health Officers
Private Sector Housing	Housing Act 1985	Powers to enter premises for the purpose of survey and examination.	Director of Regulatory Services/ Environmental Health Officers/Environmental Health Technicians
Private Sector Housing	Housing Act 2004, Sections 11 & 12	Service of improvement notices.	All Environmental Health Officers

Subject	Act	Functions Delegated	Officer
Private Sector Housing	Housing Act 2004, Section 14	Suspension of improvement notices.	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
Private Sector Housing	Housing Act 2004, Section 16	Revocation and variation of improvement notices.	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
Private Sector Housing	Housing Act 2004, Section 17	Review of suspended improvement notices.	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
Private Sector Housing	Housing Act 2004, Sections 20 & 21	Making of prohibition orders.	All Environmental Health Officers
Private Sector Housing	Housing Act 2004, Section 23	Suspension of prohibition orders.	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
Private Sector Housing	Housing Act 2004, Section 25	Revocation and variation of prohibition orders.	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
Private Sector Housing	Housing Act 2004, Section 26	Review of suspended prohibition orders.	Director of Regulatory Services / Principal Officer – Environmental Health
Private Sector Housing	Housing Act 2004, Sections 28 & 29	Service of hazard awareness notices	All Environmental Health Officers
Private Sector Housing	Housing Act 2004, Section 40	Authorisation of emergency remedial action	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
Private Sector Housing	Housing Act 2004, Section 41	Service of notice of emergency remedial action	All Environmental Health Officers
Private Sector Housing	Housing Act 2004, Section 42	Recovery of expenses following emergency remedial action.	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 43	Making of emergency prohibition orders.	All Environmental Health Officers

Subject	Act	Functions Delegated	Officer
	Section 265 Housing Act 1985	Making of demolition orders.	Director of Regulatory Services
	Housing Act 2004	Institute legal proceedings under Part 1.	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Private Sector Housing	Housing Act 2004	Recovery of expenses under Part 1.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 62	Grant and renewal of temporary exemptions.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 64	Grant and refusal of licences.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 67	Imposition of conditions on licences.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 69	Variation of licences.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 70	Revocation of licences.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004	Institute legal proceedings under Part II.	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
	Housing Act 2004, Section 73	Application for rent repayment order.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 88	Grant and refusal of licence.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager

Subject	Act	Functions Delegated	Officer
	Housing Act 2004, Section 90	Imposition of conditions on licences.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 92	Variation of licences.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 93	Revocation of licences	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004	Institute legal proceedings under Part III.	Director of Regulatory Services in consultation with Director of Corporate and Customer Services /Environmental Health Manager
	Housing Act 2004, Section 96	Application for rent repayment order.	Director of Regulatory Services/ Principal Officer – Environmental Health
	Housing Act 2004, Section 102	Application for Interim Management Orders.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 103	Application for special Interim Management Orders.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 111	Variation of Interim Management Orders.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 112	Revocation of Interim Management Orders.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 113	Making of Final Management Orders.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 121	Variation of Final Management Orders.	Director of Regulatory Services/ Principal Officer – Environmental

Subject	Act	Functions Delegated	Officer
			Health/Environmental Health Manager
	Housing Act 2004, Section 122	Revocation of Final Management Orders.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
Private Sector Housing	Housing Act 2004, Section 131	Power of entry to carry out works.	All Environmental Health Officers and Environmental Health Technicians
	Housing Act 2004, Section 133	Application for Interim Empty Dwelling Management Order.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 136	Making of Final Empty Dwelling Management Order.	Director of Regulatory Services
	Housing Act 2004, Section 139	Service of overcrowding notices.	All Environmental Health Officers
	Housing Act 2004, Section 144	Revocation and variation of overcrowding notices.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 235	Power to require information	All Environmental Health Officers
	Housing Act 2004, Section 239	Power of entry.	All Environmental Health Officers and Environmental Health Technicians
	Housing Act 2004, Section 240	Application for warrant.	All Environmental Health Officers
	Housing Act 2004, Section 241	Institution of legal proceedings for obstruction.	Director of Regulatory Services in consultation with the Director of Corporate and Customer Services
Protection of Buildings	Local Government (Misc Provisions) Act 1982	Powers to enter premises.	Director of Regulatory Services/Environmental Health Officers/ Environmental Health Technicians
Protection of Buildings	Local Government (Misc Provisions) Act 1982 Sections 29-32	Service of Notices, authority to authorise works in default.	Director of Regulatory Services/Principal Officer-Environmental Health/All Environmental Health Officers/Environmental Health Manager

Subject	Act	Functions Delegated	Officer
Protection of Trees	Town & Country Planning Act 1990	To make and sign provisional Tree Preservation Orders and to confirm or vary unopposed orders. To approve or refuse applications to lop or fell trees protected by a Tree Preservation Order. To respond to notifications relating to the felling or pruning of trees in Conservation Areas.	Director of Regulatory Services /Planning Policy Manager/ Development Manager
Provision of sanitary conveniences at places of entertainment etc.	Local Government (Miscellaneous Provisions) Act 1976	Authority to appoint authorised officers To act as Authorised Officers To serve occasional or continuous notice To institute legal proceedings	Director of Regulatory Services All Environmental Health Officers/ Environmental Health Technicians Director of Regulatory Services Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Public Health – Filthy and Verminous premises and articles	Public Health Act 1936 Sections 84 and 85	Authority to appoint a proper officer To exercise the powers under Sections 84 and 85 of the Act as amended by an enactment.	Chief Executive/Director of Corporate and Customer Services/ Director of Regulatory Services Director of Regulatory Services/ all Environmental Health Officers and Environmental Health Technicians
Public Health – Disinfestations of verminous articles offered for sale	Public Health Act 1961 Section 37	Authority to appoint a proper officer.	Chief Executive/Director of Corporate and Customer Services/ Director of Regulatory Services
Public Health Inspector	Any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972	Proper Officer – role of Public Health Inspector	Director of Regulatory Services
Public Space Protection Orders	Public Space Protection Orders 2018	To authorise Officers to undertake associated enforcement duties.	Director of Community & Environmental Services
Re-possession and Rent Arrears		In consultation with Chairman and Vice-Chairman of the	Director of Corporate and Customer Services

Subject	Act	Functions Delegated	Officer
		appropriate Committee, to initiate proceedings for re-possession of properties and the recovery of rent arrears.	
Review Procedure	Housing Act 1996	To carry out requests for reviews either from people who have applied for Council accommodation or appeals against homelessness decisions	Director of Housing/Housing Strategy Officer
Rights of Way	Town and Country Planning Act 1990 S259 Highways Act 1980 S118 & S119	To promote and confirm Orders to create, divert or close footpaths following consultation with Ward Members.	Director of Corporate and Customer Services/Director of Regulatory Services
Road Closures	Town Police Clauses Act 1847	In consultation with emergency services, Derbyshire County Council and Ward Members to take appropriate steps to temporarily close roads.	Licensing Manager / Director of Regulatory Services
Ruinous and Dilapidated Buildings	Building Act 1984 Section 79	Service of notices, authority to authorise works in default	Director of Regulatory Services/All Environmental Health Officers
Smoke Free Regulations	Section 10 Health Act 2006	To act as authorised officers	All Environmental Health Officers/Principal Officer – Environmental Health/Environmental Health Technicians / Licensing Manager/Environmental Health Manager
Smoke Free Regulations	Section 9 Health Act 2006	Issue of penalty notices under Sections 6(5) and 7(2)	All Environmental Health Officers/Principal Officer – Environmental Health/ Environmental Health Technicians / Licensing Manager/Environmental Health Manager
Smoke Free Regulations	Health Act 2006	Institute legal proceedings for offences under Part 1 of the Health Act 2006	Director of Regulatory Services in consultation with Director of Corporate and Customer Services

Subject	Act	Functions Delegated	Officer
Stall Markets	Local Government (Miscellaneous Provisions) Act 1982	To approve Stall Market Licences	Director of Community & Environmental Services, Community Events Manager
Statutory Nuisances	Environmental Protection Act 1990 Pt. III	Power to enter premises To serve Abatement Notices	Director of Regulatory Services/All Environmental Health Officers/ Environmental Health Technicians Director of Regulatory Services/ All Environmental Health Officers
Statutory Nuisances	Environmental Protection Act 1990 Part III	To authorise works in default, serve notice of intention to recover expenses To recover expenses	Director of Regulatory Services Chief Financial Officer
Statutory nuisances	Environmental Protection Act 1990 Pt. III	Institute proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Stray Dogs	Environmental Protection Act 1990 S.149	Authorised officer with powers to seize and detain stray dogs To approve an increase in kennelling fees where necessary	Director of Community & Environmental Services Director of Community & Environmental Services
Street Naming & Numbering	Public Health Act 1925 S17 & 18	To name or rename streets and impose numbering schemes in consultation with Ward Members.	Director of Corporate and Customer Services/Director of Regulatory Services
Street Trading	Local Government (Miscellaneous Provisions) Act 1982	Authority to approve trading on Consent Streets	Director of Regulatory Services / Licensing Manager
Street Trading Orders		To authorise prosecutions for contraventions of Orders following an unheeded warning letter.	Director of Regulatory Services in consultation with the Director of Corporate and Customer Services
Sunday Trading	Sunday Trading Act 1994	To institute legal proceedings.	Director of Regulatory Services in consultation with Director of Corporate and Customer Services Director of Regulatory Services in consultation with Director of Corporate and Customer Services

Subject	Act	Functions Delegated	Officer
Sunday Trading	Sunday Trading Act 1994	To designate area "a loading control area" Authority to appoint inspectors as detailed in Schedule 2 part 1 paragraph 2	Director of Regulatory Services / Principal Officer Environmental Health/Environmental Health Manager Chief Executive/ Director of Regulatory Services
Temporary Road Closures for Events on the Highway	Town Police Clauses Act 1847	To make Road Closure Orders.	Licensing Manager / Director of Regulatory Services
Transport of Waste	Control of Pollution (Amendment) Act 1989 Section 5	Authority to stop, search and seize vehicles	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers/Environmental Health Manager
Transport of Waste	Control of Pollution (Amendment) Act 1989 Section 5	Power to require the name and address of a person whose vehicle has been stopped, searched or seized	Director of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Officers/Environmental Health Manager
Transport of Waste	Control of Pollution (Amendment) Act 1989 Section 5	Issue of fixed penalty notices for offences under this section	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Officers/Environmental Health Manager
Transport of Waste	Control of Pollution (Amendment) Act 1989 Section 5	Institute proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Travellers/ Unauthorised Campers	Criminal Justice & Public Order Act 1994 S77, 78 &79	Serving of Notices ordering the removal of persons and vehicles from land.	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Travellers/Unauthorised Campers	Civil Procedures Rules Part 55	Applications for Possession Orders	Director of Regulatory Services in consultation with the Director of Corporate and Customer Services
Waste – Commercial	Environmental Protection Act 1990 Section 34A	Issue of fixed penalty notices for offences under Sections 34 & 34A	Director of Community & Environmental Services / Waste & Recycling Manager/ Waste & Recycling Officer
Waste - Deposit and Disposal	Environmental Protection Act 1990 Section 34A	Issue of fixed penalty notices for offences under this section	Environmental Health Officers
Waste - Deposit and Disposal	Environmental Protection Act	Authority to stop, search and seize vehicles	Director of Regulatory Services/Principal Officer –

Subject	Act	Functions Delegated	Officer
	1990 Section 34B		Environmental Health/ Environmental Health Officers/Environmental Health Manager
Waste - Deposit and Disposal	Environmental Protection Act 1990 Section 34B	Power to require the name and address of a person whose vehicle has been stopped	Director of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers/Environmental/ Environmental Health Technicians
Waste - Deposit and Disposal	Environmental Protection Act 1990 Section 34B	Institute proceedings	Director of Community & Environmental Services t in consultation with Director of Corporate and Customer Services and the Director of Regulatory Services
Waste and Litter	Environment Act 1995	Power to enter premises	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers/ Environmental Health Technicians/Environmental Health Manager
Waste and Litter	Environmental Protection Act 1990, Section 59	Service of notices, authorisation of works in default, emergency removal of waste	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers/Environmental Health Manager
Waste and Litter	Control of Pollution (Amendment) Act 1989	Powers to stop and search vehicles	Director of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers/Environmental Health Manager
Waste Contract	-	Authority to appoint consultancy support in procurement of waste contract	Director of Community & Environmental Services in consultation with S151 Officer/Chair & Vice Chair Community & Environment Committee
Water Supplies	Public Health Act 1936	Authority to apply for Court Orders to close a water supply and to implement the Order	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
Water Supplies	Water Industry Act 1991 Section 77 and 78	To exercise the local authority's duties in relation to public water supplies	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager

Subject	Act	Functions Delegated	Officer
Water Supplies	Water Industry Act 1991 section 84	Powers to enter premises, to carry out such inspections, measurements and tests as appropriate	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Officers/ Environmental Health Technicians/Environmental Health Manager
Water Supplies	Water Industry Act 1991 section 80	Service of notices requiring the improvement of private water supplies	Director of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers/ Environmental Health Technicians/Environmental Health Manager
Water Supplies	Water Industry Act 1991 section 82	Authorisation of works in default	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
Water Supplies	Water Industry Act 1991 section 85	Service of notices requiring the provision of information	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers/ Environmental Health Technicians/Environmental Health Manager
Water Supplies	Private Water Supplies (England) Regulations 2016	Granting of authorisations if different standards	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
Water Supplies	Private Water Supplies (England) Regulations 2016	Service of notices in respect of supplies that constitute a potential risk to human health	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Officers/ Environmental Health Technicians/Environmental Health Manager
Water Supplies	Private Water Supplies (England) Regulations 2016	Institute proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services

GOVERNANCE AND RESOURCES COMMITTEE

The purposes of this Committee are to deliver the Council's Priorities in so far as they relate to:-

<u>Priorities</u>	
<u>Place</u>	<ul style="list-style-type: none"> • Keeping the Derbyshire Dales Clean, Green and Safe
<u>People</u>	<ul style="list-style-type: none"> • Providing you with a high quality customer experience
<u>Prosperity</u>	<ul style="list-style-type: none"> • Supporting better homes and jobs

Service Areas within the remit of this Committee are:

<u>Place</u>	<ul style="list-style-type: none"> • Asset Management • Land Charges
<u>People</u>	<ul style="list-style-type: none"> • Reviewing opportunities to become more commercially minded including fees and charges
<u>Prosperity</u>	<ul style="list-style-type: none"> • Procurement
<u>Other services</u>	<ul style="list-style-type: none"> • Public Consultation Programme • Equalities • Transformation • Central Support Services • Electoral Management • Revenues and Benefits • Strategic HR • ICT • Legal and Corporate Governance • Financial Governance • Internal and External Audit • Data Protection and Information Governance

In particular, the Council has delegated to the Committee the following tasks:

1. To be responsible for the effective management of the Council's land, buildings and property holdings.
2. To act as the main "financial committee" to regulate and control the finances of the Council as defined in the Local Government Act 1972.
3. To approve virements between budget heads in excess of £25,000
4. To approve the Annual Statement of Accounts and Annual Governance Statement.
5. To be accountable for the efficient use of resources under its control subject to virement levels.
6. To recommend to Council any amendments to the annual Pay Policy Statement

7. To undertake the role of the standards committee and to consider requests for dispensations on the requirement to withdraw from a meeting where:
 - a. The political balance would be upset
 - b. The dispensation may affect the interests of persons living in the District
8. Conduct hearings to determine allegations concerning the misconduct of elected members
9. To consider the External Auditor's reports on issues arising from the Audit of Accounts, the External Audit Plan, the Annual Audit Letter etc.
10. To have an overview of the Governance framework and to develop and review supporting policies and procedures
11. To have an overview of the complaints procedure in relation to official complaints at service delivery level and to review the annual report of the Local Government Ombudsman
12. To receive and act upon reports from the Commission for Local Administration in England (the Ombudsman) where there has been a critical finding on a service within the Committee's remit.
13. To determine applications to use the Council's land and facilities where objections have been received, for which the Committee has responsibility.
14. To set fees and charges for providing all Council services
15. To approve arrears for write-off where necessary
16. To consider reports of the proceedings of the Joint Consultative Group.
17. To have responsibility to oversee the provision and management of the Council's landlord/owner function for housing, industrial, commercial and amenity land and property.
18. To determine policy in relation to the Council's duties and responsibilities as an "employer" and in relation to human resources, employee training and development and industrial relations issues.
19. To approve and review the internal audit plan, consider major findings or internal audit investigations and management's response, and promote co-ordination between the internal and external auditors.
20. To approve and review the Council's Code of Corporate Governance and other supporting material.
21. To keep under review the effectiveness of internal control systems, to receive the External Audit Management Letter on behalf of the Council and any

representations and refer any issues requiring attention to the relevant committee and/or officer.

22. To respond on behalf of the Authority in relation to consultations issued by the Electoral Commission and other bodies relating to electoral registration or election issues.
23. To consider the appointment of the external auditor, the audit fee, the provision of any non-audit services by the external auditor and any questions of resignation or dismissal of the external auditor.
24. Elected Member Training and Development
25. To determine policy and oversee arrangements in relation to the Council's duties and responsibilities under the Data Protection Act.

DRAFT

OFFICER DELEGATION – GOVERNANCE AND RESOURCES COMMITTEE

In order for the Committees to concentrate their time and efforts on policy and strategic matters, routine decision making matters can be delegated to officers. The following table sets out the relevant subject areas and the responsible officers.

Subject	Act	Functions Delegated	Officer
Abseiling Licences – Council Owned Land	-	That delegated authority be granted to the Director of Corporate and Customer Services, following consultation with appropriate governing bodies and organisations, to agree the detailed wording and subsequent issue of abseiling licences for land in Council's ownership.	Director of Corporate and Customer Services
Access to Information	Local Government (Access to Information) Act 1985	Proper Officer provision <ul style="list-style-type: none"> • Identification and retention of background papers and reports • Identification of exempt information and reasoning of public interest test 	Corporate and Customer Services Leadership Team, Monitoring Officer and Chief Financial Officer in relation to their statutory roles Estates and Facilities Manager in relation to role as the Council's valuer.
		To increase charges for production of background papers, agenda reports and minutes annually, in line with inflation.	Director of Corporate and Customer Services
		In relation to staffing matters.	Human Resources Manager
Assets of Community Value	Localism Act 2011	To determine all nominations for inclusion on the list of Assets of Community Value and initial applications for compensation.	Director of Community & Environmental Services / Director of Regulatory Services (where primary contact has conflict of interest)
		To determine requests to review the listing of a Community Asset and compensation decisions	Director of Corporate and Customer Services / Legal Services Manager (where primary contact has a conflict of interest) / Director of Regulatory Services
Authority to Enter Land and Premises		Authority to issue authority to enter premises notifications for the purposes of pursuing official duties where such provisions exist in law.	Director of Corporate and Customer Services

Subject	Act	Functions Delegated	Officer
Banking		To approve changes to the bank mandate	Chief Financial Officer
Budget Virements		To approve virements between budget heads of £25,000 or less	Chief Financial Officer
Byelaws	Local Government Act 1972 S238	Proper Officer - to certify printed copies of byelaws	Director of Corporate and Customer Services
Complaints	-	To determine restrictions to be applied to complaints in accordance with the Persistent and Unreasonable Complaints Policy.	Director of Corporate and Customer Services/ Chief Executive (where primary contact has a conflict of interest)
Complaints re: Elected Member Behaviour		Proper officer to receive complaints of failure to comply with the Code of Conduct	Monitoring Officer
Contracts - General		Authority to accept alternative tenders in respect of any contract in the event of a withdrawal before the contract is complete.	All members of the Corporate Leadership Team
Cheque Signatories		To sign cheques on behalf of the Council	Director of Corporate and Customer Services /Director of Resources/Financial Services Manager
Chief Financial Officer	Local Gov Finance Act 1988 S.112, Local Gov Act 1972 S.151	Statutory designation	Director of Resources/Deputy Financial Services Manager
Council Tax Local Discounts	Local Government Finance Act 1992 – Section 13A (1) (c)	To determine applications for such reliefs.	Chief Financial Officer
Council Tax & Non-Domestic Rates	Local Gov Finance Act 1992 S.14	To institute committal proceedings and to execute warrants of arrest with bail as necessary	Director of Resources
Council Tax Support Scheme	Local Government Finance Act 1992	The administration of the Council Tax Support Scheme (including decisions on the backdating of claims and determining amounts of Hardship Relief to be awarded under the scheme)	Director of Resources/Benefits Manager (Arvato/CBC) /Benefits Technical Officer (Arvato/CBC)

Subject	Act	Functions Delegated	Officer
Housing Benefit First Tier Tribunals	The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 Tribunals, Courts & Enforcement Act 2007	Authority to represent the Council in appeal hearings at First Tier Tribunals convened by the Department of Justice	Benefits Manager (Arvato/CBC)/Benefits Technical Officer (Arvato/CBC)
Non Domestic Rates	Local Government Finance Act 1988 The Non Domestic Rating (Rates Retention) Regulations 2013	The Calculation and notification of non – domestic rating income and other amounts	Chief Financial Officer
Councillors	Local Government Act 1972 S83(1-3)	Proper Officer – to witness and receive declarations of acceptance of office made by the Chairman of the Council and Councillors of the District.	Chief Executive or Director of Corporate and Customer Services
	S84	To receive written notice of resignation from the Office of Chairman or Councillors	Chief Executive or Director of Corporate and Customer Services
	Sch 12(4,3)	To receive written notice of a Member's address.	Director of Corporate and Customer Services/Chief Executive
	Sch 12(42b)	To sign a summons to attend meetings of the Council	Director of Corporate and Customer Services/Chief Executive
County Court Proceedings	-	Authority to represent the Council in hearings at County Court	Revenues Manager (Arvato) / Business Rates Technical Officer (Arvato/CBC) /Recovery Team Leader (Arvato/CBC) /Operational Revenues Manager (Arvato/CBC) / Senior Legal Assistant (Arvato/CBC)
Data Protection	Data Protection Act 2018 General Data Protection Regulation	To ensure compliance with the Data Protection Act and the General Data Protection Regulation and to respond to specific requests for information and the issuing of decision notices. To investigate data protection security	Director of Resources Director of Resources

Subject	Act	Functions Delegated	Officer
		breaches and report to the ICO where appro To deal with complaints and appeals arising from matters relating to information requests. Data Protection Officer	Director of Corporate and Customer Services/Chief Executive Director of Resources (When absent: Chief Executive)
Discipline - formal warnings	-	To issue formal warnings in accordance with the Disciplinary Procedure.	All members of the Corporate Leadership Team
Discipline - dismissal	-	To dismiss employees in accordance with the Disciplinary Procedure.	All members of the Corporate Leadership Team
Dispensations	Localism Act 2011	To grant dispensations from the requirement to withdraw from a meeting in circumstances where so many of the decision making bodies have DPI's in a matter that would impede transaction of business.	Monitoring Officer
Elections	Representation of the People Act 1983 s.35 Local Government Act 1972 S89(1b)	Proper Officer to act as Returning Officer for District and Parish Council Elections. Proper Officer for the receipt of written notice of a casual vacancy of Councillor for the District.	Chief Executive Deputy – Director of Corporate and Customer Services
Electoral Registration		Proper Officer - role of Registration Officer	Director of Corporate and Customer Services / Deputy is Chief Executive
Finance – Proper Officer		Administration arrangements in relation to the Council's liabilities for: <ul style="list-style-type: none"> • Income Tax • VAT • National Insurance 	Chief Financial Officer
Finance – Proper Officer		To authorise opening of bank and investment accounts	Director of Resources
Financial Officer	Any enactment, with the exception of the Local Gov Finance Act 1988 S.112 (Local Gov Act 1972 S.151)	Proper Officer - role of Responsible Financial Officer.	Director of Resources / Deputy is Financial Services Manager

Subject	Act	Functions Delegated	Officer
Freedom of Information	Freedom of Information Act 2000	To ensure compliance with the Freedom of Information Act 2000 including: Developing, implementing, monitoring and correcting minor errors to the publication scheme required by the Freedom of Information Act 2000 Responding to specific requests for information and issuing decision notices.	Business Support Manager
Freedom of Information	Freedom of Information Act 2000	To deal with complaints and appeals arising from matters relating to information requests	Director of Corporate and Customer Services/Chief Executive
Head of Paid Service	Local Gov & Housing Act 1989 S.4	Statutory designation	Chief Executive
Interest in Land	Local Gov (Misc Prov) Act 1976 S.16	To issue Notices requiring information as to a person's interest in land	Director of Corporate and Customer Services/ Licensing Manager/ Director of Regulatory Services/ Principal Officer – Environmental Health/All Environmental Health Officers/ Environmental Health Technicians
Interest in Land	Local Gov (Misc Prov) Act 1976	Institute proceedings for failure to return Requisitions for Information	Director of Corporate and Customer Services
Internal Audit	Accounts and Audit Regulations 2015 & Local Government Finance Act 1982 S23	Responsibility for the maintenance of effective and adequate systems of internal audit.	Director of Resources
Land - permission to use for ancillary purposes	-	In consultation with Ward Members to determine applications to temporarily occupy Council Land for ancillary purposes i.e. fairs, circuses, promotional vans and trailers and to set appropriate rental.	Director of Resources/ Director of Community & Environmental Services
Land Transactions	All relevant	To approve the contractual revision of rents, where new rent is £25,000pa or less, and licence fees; to approve lease and licence renewals and amendments to their terms.	Estates and Facilities Manager

Subject	Act	Functions Delegated	Officer
		To grant licences, periodic tenancies and leases (for less than 10 years) at a fee/rental not exceeding £25,000 per annum.	Estates and Facilities Manager
		To grant or obtain easements, rights of way, rights of light and wayleaves; to consent assignments, sub-lettings and surrenders.	Estates and Facilities Manager
		To approve the sale of land where the estimated value is less than £25,000.	Estates and Facilities Manager in accordance with consultation provisions contained in the Policy for Disposal of Land.
Legal Proceedings	All relevant	To authorise the institution, defence or participation in any legal proceedings in any case where such action is necessary to give effect to decisions of the Committee where such action is necessary to protect the Council's interests.	Director of Corporate and Customer Services or in his or her absence the Legal Services Manager
Magistrates' Court	Local Gov Act 1972 S223 S1	Proper Officer to prosecute or defend on behalf of the Council in proceedings before Magistrates' Courts.	Legal Services Manager /Solicitor/Revenues Manager (Arvato/CBC)/Business Rates Technical Officer (Arvato/CBC)/Recovery Team Leader (Arvato/CBC)/Operational Revenues Manager (Arvato/CBC)/ Senior Legal Assistant (Arvato/CBC)
Members' Interests	Localism Act 2011 s.29	To determine what information is to be entered in the authority's register.	Monitoring Officer
Money Laundering	Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017	Money Laundering Reporting Officer	Director of Resources
Monitoring Officer	Local Gov & Housing Act 1989 S.5	Statutory designation	Director of Corporate and Customer Services / Deputy is Legal Services Manager
Mortgages – Local Average Rate	Housing Act 1985 S.438(1) (a), (b) & (c)	To declare a rate applicable to advances and transfers under the Act	Chief Financial Officer
		To declare a rate applicable to sums left	

Subject	Act	Functions Delegated	Officer
		outstanding on disposal of house	
National Non Domestic Rates	Local Gov Finance Act 1988 (Section 49)	Determination of applications for hardship relief	Chief Financial Officer
National Non Domestic Rates	Local Gov Finance Act 1988 (Section 47)	Determination of applications for discretionary rate relief	Chief Financial Officer
National Non Domestic Rates		Determination of applications for relief under the temporary revaluation relief scheme for business rate revaluation 2017	Chief Financial Officer
Parish Council Reimbursable Expenditure		To determine if a parish will not be eligible for reimbursable expenditure where it has three years precept in its balances, or £50,000, whichever is the lower, unless there are exceptional reasons	Director of Resources
Petitions	-	Decisions on ordinary petitions	Corporate Leadership Team
Petitions	-	Decisions on whether a petition is vexatious, abusive or otherwise inappropriate	Director of Corporate and Customer Services
Petitions	-	Authority to make minor amendments to the Council's Petitions Policy	Director of Corporate and Customer Services
Planning Applications - Land Acquisition	Town & Country Planning Act 1990	To submit planning applications in relation to the development of Council owned land.	Director of Resources, Director of Community & Environmental Services
Procurement	-	To approve the procurement of goods and services in accordance with Contract Standing Orders and Financial Regulations	Corporate Leadership Team
Recruitment	-	To fill vacant posts on current establishment with prior consent of the Chief Executive.	Corporate and Customer Services Leadership Team
Recruitment	-	Authority to sign employment contracts (starters and leavers)	HR Manager
Re-possession and Rent Arrears		In consultation with Chairman and Vice-Chairman of the appropriate Committee, to	Director of Corporate and Customer Services / Legal Services Manager

Subject	Act	Functions Delegated	Officer
		initiate proceedings for re-possession of properties and the recovery of rent arrears	
RIPA	Regulation of Investigatory Powers Act 2000	To be designated persons for the granting of authorisations	Director of Regulatory Services/Director of Housing/ Director of Community & Environmental Services
RIPA	Regulation of Investigatory Powers Act 2000	To act as RIPA Monitoring Officer	Legal Services Manager
RIPA	Regulation of Investigatory Powers Act 2000	To suspend authority to grant authorisations if training not undertaken.	Legal Services Manager
RIPA	Local Government Act 1972 S223 Regulation of Investigatory Powers Act 2000	Authority to appear in the Magistrates Court on behalf of the Council to apply for judicial approval for authorisation to obtain or disclose communications data, to use a covert intelligence source or to conduct directed surveillance.	Senior Investigations Officer Investigations Officer
Rural Rate Relief	Local Gov & Rating Act 1997 (Section 1)	Authority to grant the extended provisions of the rural rate relief regulations	Chief Financial Officer
Rural Rate Relief	Local Gov & Rating Act 1997 (Section 1)	Annual review of the Rural Settlement List	Chief Financial Officer
Sealing of Documents		Proper Officer responsible for the recording and signing of documents under the Council's Common Seal.	Director of Corporate and Customer Services or Chief Executive in his/her absence/Legal Services Manager in his/her absence
Selection of Panel Members	-	To select Members of the Committee to serve as a Sub – Committee in relation to Hearings	Monitoring Officer in consultation with Chair of Licensing & Appeals Committee
Surveyor/ Engineer	Any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972	Proper Officer - role of Surveyor or Engineer.	Estates & Facilities Manager
Treasurer	Any enactment passed before or during the 1971/72 session of Parliament other than the Local	Proper Officer - role of Treasurer	Chief Financial Officer

Subject	Act	Functions Delegated	Officer
	Government Act 1972		
Valuation Office Agency Hearings	Local Government Finance Act 1992	Authority to represent the Council in hearings at the Valuation Office Agency	Benefits Manager (Arvato/CBC)/ Benefits Technical Officer (Arvato/CBC)/Business Rates Technical Officer (Arvato/CBC)/Council Tax Technical Officer (Arvato/CBC)/Revenues Manager (Arvato/CBC)
Valuation Tribunal Hearings	Local Government Finance Act 1992	Authority to represent the Council at hearings of the Valuation Tribunal Service	Benefits Manager (Arvato/CBC)/Benefits Technical Officer (Arvato/CBC)/Business Rate Technical Officer(Arvato/CBC)/Council Tax Technical Officer(Arvato/CBC)/Revenue s Manager (Arvato/CBC)
Write off of Debts		Authority to write off debts after due consideration of the circumstances and where all reasonable measures have been taken to recover the debt.	Director of Resources

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JOINT CONSULTATIVE GROUP

- To provide a forum for consultation and negotiation on matters relating to the workforce that are not reserved for negotiation at national, provincial or other agreed local levels in accordance with the Group's Constitution.
- To consider reports and recommendations of the Employee Group
- To consider the findings of the biannual employee survey and resulting draft action plan
- To have an overview of the make-up of the Council's workforce in terms of its demographics in relation to the Council's duty as an equal opportunities employer.

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PLANNING COMMITTEE

The Planning Committee implements planning policy, the development of which is carried out by the Council. It does this through dealing with regulatory business i.e. determining all planning applications.

Meetings are held every four weeks in order to meet the Council's targets for determinations within a set timetable.

1. To act on behalf of the District Council as the Local Planning Authority as prescribed in statute.
2. To determine applications for planning permission and other consents unless delegated to an appropriate officer.
3. To determine applications where development would be a departure from the agreed Local Plan or Local Development Framework.
4. To determine applications where the application is to be referred to the Secretary of State on direction.
5. To determine applications for major development where the District Council is the applicant.
6. To determine applications where the applicant is an employee of the District Council or a member of their household.
7. To determine applications where the applicant is an Elected Member or a member of their household.
8. To comment on planning applications submitted to or by other local Planning Authorities and statutory undertakers.
9. To evoke or modify planning permissions.
10. To designate and amend Conservation Areas.
11. To declare areas of Special Advertisement Control.
12. To authorise agreements under S. 106 of the Town and Country Planning Act 1990.
13. To receive reports relating to action instigated by the local Planning Authority in relation to enforcement action.

OFFICER DELEGATIONS - PLANNING COMMITTEES

Routine business is delegated to officers as shown on the following table.

Local Members are reminded that they will be able to override the power of delegation should they wish a particular planning application (with the exception of prior approval applications as required by the Town and Country Planning (General Permitted Development) Order 1995) or a particular application for a variation to or the recession of an existing planning obligation deed or unilateral undertaking, to go to the Planning Committee for determination. Notification to the Development Manager, or Case Officer should be made in writing (including email) within 21 days of the relevant weekly list of applications. Such notification should include the reason for the call in. No response by the relevant Ward Member within that 21 day period will constitute agreement to delegation.

The following scheme of delegation is based on the principle that all applications are delegated for approval or refusal by officers with the exception of the following:

- Any application which receives 5 or more unresolved objections.
- Any Environmental Impact Assessment application made under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
- The provision of dwelling houses where
 - (a) The number of dwelling houses to be provided is 10 or more in the settlements of Matlock, Ashbourne, Wirksworth and Darley Dale
 - (b) The number of dwelling houses to be provided is 3 or more in all other locations
 - (c) The development is to be carried out on a site having an area of 0.5 hectares or more and it is known whether the development falls within the above bullet
- The provision of a building or buildings where the floor space to be created by the development is 1000sq metres or more other than buildings provided for agricultural purposes where the decision is delegated to officers
- Development carried out on a site having an area of 1 hectare or more
- Any application which is recommended for approval but amounts to a departure from the development plan
- Any application that the Development Manager considers sensitive and requires Committee consideration
- Any application submitted by or on behalf of the Council for its own development
- Any application (but excluding prior approval applications/notifications as required by the Town and Country Planning (General Permitted Development) Order 1995) which is known to be made by or on behalf of a District Councillor or officer of the Council or a member of their immediate family.

Subject	Act	Functions Delegates	Officer
Advertisements	Town and Country Planning Act 1990 S. 224 and 225	<p>To remove, obliterate or discontinue the display of advertisements displayed in contravention of the Town and Country Planning (Control of Advertisements) Regulations 2007</p> <p>To initiate proceedings up to and including prosecution</p>	<p>Development Manager/ Principal Planner</p> <p>Development Manager in consultation with Ward Member</p>
Dangerous Trees	Local Gov (Misc Provisions) Act 1976 S23(3)	To serve notice requiring owners or occupiers of land on which there is a dangerous tree to make it safe in cases of imminent danger to carry out remedial works and to recover reasonable costs.	Director of Regulatory Services/Development Manager/ Principal Planner
Development Control	<p>Town & Country Planning Act 1990</p> <p>Planning (Listed Buildings and Conservation Areas) Act 1990</p>	<p>To determine applications of the following types:</p> <ul style="list-style-type: none"> ■ Full and Outline planning applications. ■ Applications for Approval of Reserved Matters ■ Advertisement Consent Applications. ■ Listed Building Applications. ■ Certificates of Lawful Proposed use or Development. ■ Certificate of Lawful Existing Use or Development Prior to Approval ■ Agricultural prior Notifications. ■ Circular 18/84 Notifications (development by Government Departments). ■ Notifications Under the Electricity Act 1989 (Overhead Lines). ■ Hedgerow Notifications. ■ Applications for Hazardous Substance Consent. ■ Discharge of Condition applications. ■ Certificates of Appropriate Alternative Development. ■ Ecclesiastical Notifications ■ Minor Material Amendments (S.73) ■ Extension of Time Limits. ■ Where an application has been previously refused and the reasons for refusal have not been satisfactory 	Development Manager/ Director of Regulatory Services/ Principal Planner

Subject	Act	Functions Delegates	Officer
		<p>addressed</p> <ul style="list-style-type: none"> ■ Agricultural Buildings ■ Any minor variation or revision to an approved application 	
Development Control	Town & Country Planning Act 1990	In consultation with the appropriate Ward Member(s), to respond to consultations on all types of applications determined by other Planning Authorities. Power to decline to determine applications	Development Manager/ Director of Regulatory Services/Principal Planner
Development Control	Town and Country Planning (General Permitted Development) (England) Order 2015, Part 5 Town and Country Planning Act 1990	To respond to consultations from exempted organisations relating to the use of land as a caravan site.	Development Manager/ Director of Regulatory Services/Principal Planner
Development Control	Town and Country Planning Act 1990	Power to decline to determine applications	Development Manager/ Director of Regulatory Services/Principal Planner
Development Control	Town and Country Planning Act 1990	Demolition Prior Notifications	Development Manager/ Director of Regulatory Services/Principal Planner
Enforcement	Town & Country Planning Act 1990	<p>To determine applications for non-material amendments (S. 96A) and/or additional details in respect of proposals previously granted planning permission.</p> <p>To lodge objections to the granting of Vehicle Operators' Licences.</p> <p>To remove or obliterate illegally displayed advertisement material.</p> <p>To issue Planning Contravention Notices.</p> <p>To withdraw Planning Contravention Notices.</p> <p>To issue Breach of Condition Notices.</p>	Development Manager/ Director of Regulatory Services/Principal Planner

Subject	Act	Functions Delegates	Officer
		<p>To issue Stop Notices.</p> <p>To withdraw Breach of Condition Notices.</p> <p>To withdraw Stop Notices.</p> <p>To issue Enforcement Notices</p> <p>To withdraw Enforcement Notices</p>	
	S.215	<p>To act as appointed Officer for receiving offers to carry out measures under a Planning Contraventions Notice.</p> <p>To serve Notices requiring the proper maintenance of land.</p> <p>To withdraw Notices requiring the proper maintenance of land.</p>	Development Manager/ Director of Regulatory Services/Principal Planner
Enforcement	Town and Country Planning Act 1990 And Planning and Compulsory Purchase Act 2004	<p>To issue Temporary Stop Notices</p> <p>To withdraw Temporary Stop Notices</p>	Development Manager/ Director of Regulatory Services/Principal Planner
Enforcement	Town & Country Planning Act 1990 Planning (Listed Building and Conservation Areas) Act 1990	To initiate proceedings up to and including prosecution	Development Manager/ Principal Planner
Enforcement	Section 196A and 196B Town & Country Planning Act 1990	To authorise persons to enter any land.	Director of Regulatory Services/Development Manager/Principal Planner
Enforcement	Section 196A and 196B Town and Country Planning Act 1990	To authorise persons to enter land.	Director of Corporate and Customer Services / Legal Services Manager /Solicitor
Enforcement	Town & Country Planning Act 1990 and associated legislation	To authorise any person to exercise powers granted under the Town & Country Planning Act 1990 and associated legislation where such powers are necessary in order to give effect to a decision of the Authority or ensure	Development Manager in consultation with the Director of Corporate and Customer Services

Subject	Act	Functions Delegates	Officer
		compliance with the legislation.	
Environmental Statements	Town & Country Planning Act 1990	To determine the need for an environmental statement in respect of any planning application to which Schedule 2 of the Town & Country Planning (Environmental Impact, etc) Regulations 1999 applies.	Development Manager/ Director of Regulatory Services / Principal Planner
General	All Acts	That, in circumstances where Ward Members have a personal and prejudicial interest in a matter or where they cannot be contacted, they either nominate a spokesperson to act on their behalf.	Development Manager/ Director of Regulatory Services
Historic Buildings	Local Gov Act 1972 Schedule 16(28)	Proper Officer to receive lists of buildings of special architectural or historic interest.	Director of Regulatory Services
Legal Proceedings	All relevant	To institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Planning Committees or in any case where the Director of Corporate and Customer Services considers that such action is necessary to protect the Council's interests.	Director of Regulatory Services/Director of Corporate and Customer Services
Planning	Any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972.	Proper Officer - any reference to the Chief Officer responsible for the Council's function as local planning authority which may be construed as a reference to "the Proper Officer".	Development Manager
Planning	Town and Country Planning Acts and subordinate legislation	Proper Officer to issue decision/enforcement Notices	Development Manager/ Director of Regulatory Services/Principal Planner
Section 106 Obligations	Town & Country Planning Act 1990 S.106A	To determine requests/applications for the modification or discharge of planning obligations.	Development Manager/ Principal Planner

Subject	Act	Functions Delegates	Officer
Section 52 Agreements	Town & Country Planning Act 1971 and 1990 S 106A	To determine requests for the modification or discharge of Planning Agreements	Development Manager/ Principal Planner
Self & Custom Build Register	Self-Build & Custom House Building Regulations 2016	To make decisions for applications for the Self & Custom Build Register.	Director of Regeneration & Policy/Policy Manager
Self & Custom Build Register	Self-Build & Custom House Building Regulations 2016	To make decisions for appeal applications for the Self & Custom Build Register.	Director of Corporate and Customer Services
Self & Custom Build Register	Self-Build & Custom House Building Regulations 2016	To prepare and publish detailed assessment criteria for the financial resources test on the District Council's website.	Director of Regeneration & Policy

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LOCAL PLAN WORKING GROUP

Terms of Reference

To undertake work as instructed by Council on policies and proposals as part of the Local Plan Review and to prepare options for Council to consider.

The Local Plan Working Group will comprise 9 members, with the support of such officers as required and is not a formal decision making body.

NB: The Group is constituted as an Advisory Committee under S102 (4) of the LGA 1972

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ERNEST BAILEY CHARITY COMMITTEE

Terms of Reference

To discharge on behalf of the Council, its function as Trustee of the Ernest Bailey Charity, Council and the Governing Body.

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LICENSING AND APPEALS COMMITTEE

Service Areas within the Committee's remit:

- Animal Welfare Licensing
- Taxi and Private Hire Licensing
- Regulated activities under the Licensing Act 2003 and the Gambling Act 2005
- Determination of quasi-judicial matters in relation to the Committee's wide remit as a service provider and licensing authority.
- Determination of quasi-judicial matters in relation to the Council's role as employer.
- Miscellaneous Licenses and Registrations
- Tree Preservation Orders
- Street Cafes

Terms of Reference

1. To monitor and review the effectiveness of the Council's Licensing Policies and procedures.
2. To consider applications for licences, and registration covering persons, vehicles, businesses, activities and gambling.
3. To determine whether to revoke, suspend or refuse to renew any licence or registration in accordance with the appropriate statutory provisions.
4. To consider and determine objections made against Tree Preservation orders where it has not been possible to reach agreement between an objector and/or objectors and the authority.
5. To conduct hearings to determine quasi-judicial matters in relation to the Council's role as employer in connection with a dismissal, request for re-grading or complaint under the Council's Grievance Procedure.
6. To determine appeals for National Non Domestic Rates discretionary relief.
7. In relation to Discretionary Housing Payments and in accordance with the provisions of the appropriate statutes, to hear appeals against determinations made by the local authority, and to adjudicate thereon.
8. To determine applications for revocation of certificates of lawful use or development.
9. In terms of the Licensing Act 2003 and the Gambling Act 2005.
 - To determine all applications in the following categories where representations have been received, or where objections from the Police/Commission have been made:
 - Personal Licence
 - Premises Licence/Club Premises Certificate

- Provisional Statement
 - Variation of designated personal licence holder
 - Transfer of Premises Licence
 - Application for interim authority
 - Variation of a Premises Licence
- To determine all matters in the following categories:
 - Personal Licence with unspent convictions
 - Review Premises Licence/Club Premises Certificate
 - Decision to object when Local Authority is a consultee and not the relevant Authority considering the application
 - Police or Environmental Health objection to a temporary event notice
 - Cancellation of club gaming/club machine permits
 - Counter notice to a temporary use notice

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OFFICER DELEGATIONS – LICENSING & APPEALS

COMMITTEE

Subject	Act	Functions Delegated	Officer
Animal Welfare Licences	Dangerous Wild Animals Act 1976	To authorise Officers, Technicians and other competent persons. To institute legal proceedings.	Chief Executive/ Director of Regulatory Services
	Dangerous Wild Animals Act 1976	To issue or refuse licences.	Licensing Manager/ Director of Regulatory Services
		To seize, restrain, destroy or dispose of any dangerous wild animal which is being kept without the benefit of a licence.	Director of Regulatory Services/Licensing Manager/Principal Officer – Environmental Health
	Zoo Licensing Act 1981	To institute legal proceedings.	Director of Corporate and Customer Services Services in consultation with Director of Regulatory Services
		To issue, refuse, renew, transfer, alter licences.	Director of Regulatory Services/ Licensing Manager
		To institute legal proceedings.	Director of Corporate and Customer Services Services in consultation with Director of Regulatory Services
Power to enter premises		Director of Regulatory Services/ Environmental Health Officers/ Environmental Health Technicians	
Animal Welfare Licences The Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Sections 23, 25, 26, 27, 53 and Schedule 2 Animal Welfare Act 2006	Powers of entry	Director of Regulatory Services/Licensing Manager/Principal Environmental Health Officer/ Environmental Health Officers/ Environmental Health Technicians/ Licensing Manager
	Regulation 4(2)(a) Animal Welfare Regulations (Licensing of Activities Involving Animals) (England)	Authorised officers to inspect establishments	Licensing Manager/Principal Environmental Health Officer/ Environmental Health Officers/ Environmental Health Technicians

Subject	Act	Functions Delegated	Officer
	Regulations 2018		
	Regulation 4(2)(b) Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Grant of licences	Director of Regulatory Services/Licensing Manager
	Regulation 4(4), 4(5) and 8 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Authority to authorise veterinary surgeons to inspect establishments	Director of Regulatory Services/Licensing Manager
	Regulation 4(8) Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Refusal of licences	Director of Regulatory Services/Licensing Manager
	Regulation 5 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Authority to determine licence period	Director of Regulatory Services/Licensing Manager/ Principal Officer Environmental Health
	Regulation 5 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Determine appeals against licence period and/or star rating	Chief Executive/Director of Regulatory Services
	Regulation 6 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England)	Take samples	Director of Regulatory Services/ Licensing Manager, Principal Environmental Health Officer/ Environmental Health Officers/ Environmental Health

Subject	Act	Functions Delegated	Officer
	Regulations 2018		Technicians
	Regulation 9 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Vary licences	Director of Regulatory Services/Licensing Manager
	Regulation 12 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Extend licence period	Director of Regulatory Services/Licensing Manager
	Regulation 15 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Suspend, vary and revoke licences	Director of Regulatory Services/Licensing Manager
	Regulation 16 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Consider and determine representations in respect of suspensions and variations	Chief Executive/Director of Regulatory Services
	Regulation 16(11) Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Reinstate, vary and reinstate, revoke licences	Chief Executive/Director of Regulatory Services
	Regulation 17 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England)	Reinstate licences	Chief Executive/Director of Regulatory Services

Subject	Act	Functions Delegated	Officer
	Regulations 2018		
	Regulation 20 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Institute proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
	Schedule 1 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Determine whether an operator meets the 'business test'	Director of Regulatory Services/Licensing Manager
Appeals Committees		To select Members to serve on Sub-Committees to determine matters within the Committee's remit	Director of Corporate and Customer Services
Application for a Provisional Statement	Gambling Act 2005	Where no representations received/representations have been withdrawn	Director of Regulatory Services/ Licensing Manager
Application for club gaming/club machine permits	Gambling Act 2005	Where no objections have been made/objections have been withdrawn	Director of Regulatory Services/ Licensing Manager
Application for other Permits	Gambling Act 2005	To determine applications for other permits under the Gambling Act 2005	Director of Regulatory Services/ Licensing Manager
Application for Interim Authority	Licensing Act 2003, Sections 47, 48 and 49	Determine application if no police objections are raised	Director of Regulatory Services/ Licensing Manager
Application for Personal Licence	Licensing Act 2003, Section 120	Determine application if no police objections are raised	Director of Regulatory Services/ Licensing Manager
Application for Premises Licence/Club Premises Certificate	Licensing Act 2003, Sections 18 and 72	Determine application if no relevant representations made.	Director of Regulatory Services/ Licensing Manager
Application for Provisional	Licensing Act 2003, Section 31	Determine application if no relevant	Director of Regulatory Services/

Subject	Act	Functions Delegated	Officer
Statement		representations made.	Licensing Manager
Application for transfer of Premises Licence	Licensing Act 2003, Section 44	Determine application if no police objections are raised	Director of Regulatory Services/ Licensing Manager
Application to be removed as Designated "Premises Supervisor"	Licensing Act 2003, Section 41	Determine application	Director of Regulatory Services/ Licensing Manager
Application to transfer a Premises Licence	Gambling Act 2005	Where no representations have been received from the Commission	Director of Regulatory Services/ Licensing Manager
Application to vary a Premises Licence	Gambling Act 2005	Where no representations received/representations have been withdrawn	Director of Regulatory Services/ Licensing Manager
Application to vary Designated Personal Licence Holder	Licensing Act 2003, Section 39	Determine application if no police objections are raised	Director of Regulatory Services/ Licensing Manager
Application to vary Premises Licence/Club Premises Certificate	Licensing Act 2003, Sections 35 and 85	Determine application if no relevant representations made.	Director of Regulatory Services/ Licensing Manager
Applications for Premises Licences	Gambling Act 2005	Where no representations received/representations have been withdrawn	Director of Regulatory Services/ Licensing Manager
Cancellation of licensed premises gaming machine permits	Gambling Act 2005	Cancellation of licensed premises gaming machine permits	Director of Regulatory Services/ Licensing Manager
Representation	Licensing Act 2003, Sections 18, 52, 72 and 88	Determine whether a representation is irrelevant, frivolous, vexatious or repetitious	Director of Regulatory Services/ Licensing Manager
Caravan Site Licences	Caravan Sites and Control of Development Act 1960 as amended by Local Government (Miscellaneous Provisions) Act 1982	To instigate legal proceedings To authorise Officers and Technicians To issue or refuse licences	Director of Corporate and Customer Services in consultation with Director of Regulatory Services Director of Regulatory Services Licensing Manager/ Director of Regulatory Services

Subject	Act	Functions Delegated	Officer
Camp Site Licence	Public Health Act 1936 Section 269 (as amended by the Caravan Sites and Control of Development Act 1960)	To issue or refuse licences with or without conditions To institute legal proceedings	Licensing Manager /Director of Regulatory Services Director of Corporate and Customer Services in consultation with Director of Regulatory Services
Closure of Licensed Premises	Anti-Social Behaviour, Crime and Policing Act 2014 Pt.4 Ch.3	Institute proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Consideration of temporary use notice	Gambling Act 2005	Consideration of temporary use notice	Licensing Manager / Director of Regulatory Services
Game	Game Act 1980	To issue licences and to initiate enforcement procedures	Director of Regulatory Services / Licensing Manager
Game	Game Act 1831 S.41	To authorise proceedings for illegal gaming on Council owned land.	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Gaming Machine Licences	Gambling Act 2005	Issue of licences for maximum of two machines per establishment	Licensing Manager/Licensing Officer / Director of Regulatory Services
Horse Drawn Vehicles	Town Police Clauses Act 1847	To issue and renew licences. The right to refuse, suspend or revoke being reserved to the Licensing and Appeals Sub-Committee.	Licensing Manager / Director of Regulatory Services
House to House Collections	House to House Collection Act. 1939	To approve applications for house to house collections.	Director of Regulatory Services/Licensing Manager
Initiation of a Review by the Licensing Authority	Gambling Act 2005 (section 200)	To initiate a review of a premises licence under the Gambling Act 2005.	Licensing Manager / Director of Regulatory Services
Legal Proceedings	All relevant	To authorise the institution, defence or participation in any legal proceedings in any case where such action is necessary to give effect to decisions of the Licensing and Appeals Committee where such action is necessary to protect the Council's interests.	Director of Corporate and Customer Services

Subject	Act	Functions Delegated	Officer
Licensing	Licensing Act 2003	Institute proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Making application for reviews of Club Premises Certificates	Licensing Act 2003 Section 5	To act as Responsible Authority on behalf of the Licensing Authority.	Director of Regulatory Services/Licensing Manager
Making application for reviews of Premises Licences	Licensing Act 2003 Section 51	To act as Responsible Authority on behalf of the Licensing Authority.	Director of Regulatory Services/ Licensing Manager
Making representations in respect of Club Premises Certificates	Licensing Act 2003 Section 69	To act as Responsible Authority on behalf of the Licensing Authority.	Director of Regulatory Services/ Licensing Manager
Making representations in respect of Premises Licences	Licensing Act 2003 Section 13	To act as Responsible Authority on behalf of the Licensing Authority.	Director of Regulatory Services/ Licensing Manager
Making representation on behalf of Licensing Authority	Gambling Act 2005 (section 161)	To determine whether the Licensing Authority should make a representation, and the content of it, under the Gambling Act 2005.	Director of Regulatory Services/ Licensing Manager
Minor variation to Club Premises Certificates	Licensing Act 2003 Section 86B	To determine applications for minor variations.	Director of Regulatory Services/ Licensing Manager
Minor variation to Premises Licences	Licensing Act 2003 Section 41B	To determine applications for minor variations.	Director of Regulatory Services/ Licensing Manager
Pleasure Boats	Public Health Acts Amendment Act 1907	To approve and issue licences to operate Pleasure Boats and Vessel Licences with or without variations to standard conditions where no objections have been received.	Licensing Manager/ Director of Regulatory Services.
Private Hire & Hackney Carriages	Local Government (Miscellaneous Provisions) Act 1976, as amended, all relevant sections.	To suspend a driver or operator licence	Licensing Manager/Director of Regulatory Services

Subject	Act	Functions Delegated	Officer
Private Hire & Hackney Carriages	Local Government (Miscellaneous Provisions) Act 1976, all relevant sections.	To suspend vehicle licences forthwith if the vehicle is unfit for use	Licensing Manager/Clean & Green Manager/Director of Regulatory Services
Private Hire & Hackney Carriages	Town Police Clauses Act 1847, sections 37 & 46, and Local Government (Miscellaneous Provisions) Act 1976, as amended, all relevant sections	To issue and renew licences in accordance with the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy. The right to refuse being reserved to the Licensing and Appeals Sub-Committee	Licensing Manager / Director of Regulatory Services
Private Hire & Hackney Carriages	Town Police Clauses Act 1847, sections 37 & 46, and Local Government	To authorise the institution of proceedings for breach of licence conditions.	Director of Regulatory Services in consultation with the Director of Corporate and Customer Services.
Private Hire & Hackney Carriages	Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976, as amended, all relevant sections	To enforce, and authorise others to enforce, under any of the relevant provisions of both Acts.	Director of Regulatory Services/Licensing Manager
Application for Site or Collector's Licence	Scrap Metal Dealers Act 2013	Approval, Renewal and/or Variation	Director of Regulatory Services / Licensing Manager
Application for Site or Collector's Licence	Scrap Metal Dealers Act 2013	Refusal to grant where applicant has not made representation	Director of Regulatory Services / Licensing Manager
Application for Site or Collector's Licence	Scrap Metal Dealers Act 2013	Refusal (where applicant has made representation) revocation and/or imposition of conditions	Licensing & Appeals Sub-Committee
Powers of Entry and Inspection	Scrap Metal Dealers Act 2013	Powers to enter and inspect premises under Section 16 of the Act	Licensing Manager /All Environmental Health Officers / Environmental Health Technicians
Closure of Unlicensed Sites	Scrap Metal Dealers Act 2013	Service of Closure Notice Section 9 and Schedule 2	Licensing Manager / Director of Regulatory Services / Principal Officer – Environmental Health
Closure of Unlicensed Sites	Scrap Metal Dealers Act 2013	Application to Magistrates' Court for Closure Order	Licensing Manager / Director of Regulatory Services / Principal Officer – Environmental Health / Director of Corporate and Customer Services

Subject	Act	Functions Delegated	Officer
Closure of Unlicensed Sites	Scrap Metal Dealers Act 2013	Issue Certificate to terminate Closure Order	Licensing Manager / Director of Regulatory Services / Principal Officer – Environmental Health
Institute Proceedings	Scrap Metal Dealers Act 2013	Institute proceedings of Offences under the Act	Director of Regulatory Services / Director of Corporate and Customer Services.
Sex Establishments, Acupuncture, Tattooing, Semi Permanent Skin Colouring, Cosmetic Piercing and Electrolysis	Local Government (Miscellaneous Provisions) Act 1982 as amended by the Local Government Act 2003 Section 17 and Schedule 3, Paragraph 25 of the Act	Determination of non-contentious applications for licences or registration Power to enter premises with a Magistrates Court warrant	Licensing Manager/Director of Regulatory Services Director of Regulatory Services /Environmental Health Officers/ Licensing Manager
Small Society Lotteries	Gambling Act 2005 (sch 11 pt 5)	Authority to grant/cancel registration of a small society lottery. (refusal/revocations – Licensing and Appeals Sub-Committee)	Director of Regulatory Services/Licensing Manager
Street Collections	Police, Factories and Miscellaneous Provisions Act 1916	Issue of permit in accordance with recommendations of Parish Councils	Director of Regulatory Services/Licensing Manager
Suspension of Club Premises Certificates	Licensing Act 2003 Section 92A	To suspend Club Premises Certificates for failing to pay annual fee	Director of Regulatory Services/Licensing Manager
Suspension of Premises Licences	Licensing Act 2003 Section 55A	To suspend Premises Licence for failing to pay annual fee	Director of Regulatory Services/ Licensing Manager
Temporary Use Notice – issue of counter notice	Gambling Act 2005 (Section 218)	Issue of counter notice when criteria for Temporary Use Notice not met	Director of Regulatory Services/ Licensing Manager
To decide whether a representation is irrelevant, or falls within the categories defined within the Act – eg frivolous, vexatious etc	Gambling Act 2005	To decide whether a representation is irrelevant, or falls within the categories defined within the Act – eg frivolous, vexatious etc	Licensing Manager / Director of Regulatory Services
To determine whether a change in premises is	Licensing Act 2003, Section 36 (6)	To determine whether a change in premises is substantial	Director of Regulatory Services/ Licensing Manager

Subject	Act	Functions Delegated	Officer
To determine whether a late relevant representation should be allowed to be heard by a Sub-Committee	No specific authority	To determine whether a late relevant representation should be allowed to be heard by a Sub-Committee	Director of Regulatory Services/ Licensing Manager
To determine whether a person is likely to be affected by a licensing application.	Licensing Act 2003, Section 13 (3)	To determine whether a person is likely to be affected by a licensing application.	Director of Regulatory Services/ Licensing Manager
Variation of Premises Licences for Village Halls/Community premises.	Licensing Act 2003, Section 41D	To determine applications for the removal of the requirement for a DPS.	Director of Regulatory Services/ Licensing Manager

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LICENSING AND APPEALS SUB-COMMITTEE

Terms of Reference

1. In Terms of the Licensing Act 2003 and the Gambling Act 2005 to determine all applications in the following categories where representations have been received, or where objections from the Police/Commission have been made:
 - Personal Licence
 - Premises Licence/Club Premises Certificate
 - Provisional Statement
 - Variation of designated personal licence holder
 - Transfer of Premises Licence
 - Application for interim authority
 - Variation of a Premises Licence
2. To determine all matters in the following categories
 - Personal Licence with unspent convictions
 - Review Premises Licence/Club Premises Certificate
 - Decision to object when Local Authority is a consultee and not the relevant Authority considering the application
 - Police or Environmental Health objection to a temporary event notice
 - Cancellation of club gaming/club machine permits
 - Counter notice to a temporary use notice
3. Employment Appeals
 - To consider appeals against dismissal and as the Final Stage in the District Council's Grievance Policy.
 - To consider initial reports concerning allegations against a Statutory Chief Officer brought on the designated Receiving Officer
 - To agree having received the initial report of the Receiving Officer whether suspension, working from home and some other arrangement is appropriate
 - To agree other appropriate action in relation to the matters raised by the Receiving Officer to include mediation, reconciliation or mutual termination of conduct – subject to Council's satisfaction.
4. TPO and Miscellaneous Appeals
 - Determination of Appeals.

JOINT ICT COMMITTEE

Terms of Reference

1. To oversee the management and future development of the Shared Service initiative between the Service Host and Client authorities.
2. To receive periodic reports of the Shared Service Joint Management Team.
3. To undertake dispute resolution between the constituent authorities in accordance with the Partnership Agreement.
4. To agree the cost structure and manage the financial resources of the shared service(s).
5. To consider any requests to increase funding for the Joint Committee in response to any unforeseen increase in costs.
6. To explore any associated development of joint working between the constituent authorities to other areas of work/service delivery.
7. To consider and formally approve any amendments to the Service Level Agreement and Partnership Agreement.
8. To oversee the management of the joint contracting relationship of the shared service partnership.

CHIEF OFFICER SELECTION PANEL

Terms of Reference

1. To make recommendations to the Council on to appointment of the Head of Paid Service and Chief Officer positions within the Chief Officer Salary grade.

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CLIMATE CHANGE WORKING GROUP

Terms of Reference

To make recommendations to Council addressing the issue of climate change, with the aim of addressing the climate change actions set out in the Corporate Plan 2020-24.

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