



NORTH EAST DERBYSHIRE DISTRICT COUNCIL *

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

5TH AUGUST 2021

**REASSIGNMENT OF DELEGATED POWERS FOLLOWING A RECENT SENIOR MANAGEMENT
REVIEW**

Authority for decision	Decision	Reasons	Alternative options considered and rejected	Conflicts of interest and any dispensation
Delegation Scheme in the 2021 Constitution. Head of Corporate Governance and Monitoring Officer delegation: 13.20 To make appropriate changes to the Constitution arising from any new legislation, administrative errors or conflicts in interpretation.	To allocate existing Director delegations in the 2021 Constitution to the Directors in the new Senior Management Structure.	<p>Council decided at its meeting on the 12th July 2021 to adopt a new management structure with 2 full time Directors. The report did not deal with the Delegation Scheme for the new posts. This was an error. This means that the Delegation Scheme needs amending to reflect the new structure.</p> <p>Although this will be dealt with by Standards Committee and Council in terms of formally approving a new Delegation Scheme, this will not happen for some time. Accordingly there is an urgent need</p>	To wait until Standards Committee (in November) and Council could formalise the new Delegation Scheme. This was rejected as delegated powers need to be clear and transparent so that they can be used legitimately.	None



Authority for decision	Decision	Reasons	Alternative options considered and rejected	Conflicts of interest and any dispensation
		to put in place an amended scheme allocating existing delegations to the new posts to fill the gap before this happens.		

Please complete the following where relevant:

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

Authorising Signature:

Job title: .. Head of Corporate Governance and Monitoring Officer

....

Unique Reference Number:

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

Circulation to:

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



Delegation	
10. Director of Corporate Resources and Head of Paid Service – the whole delegation.	Director of Operations and Head of Paid Service
11 Director of Environment and Enforcement	Director of Growth and Economic Development
11.1 To act as the Emergency Planning lead.	Director of Operations and Head of Paid Service
11.2 To guide and where appropriate direct Heads of Service in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.	Director of Growth and Economic Development
11.3 To deputise for the Head of Paid Services in his absence and exercise any powers delegated to him.	Director of Growth and Economic Development
11.4 To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.	Director of Growth and Economic Development
11.5 Following consultation with the Leader and the relevant Portfolio Holder, to determine the action the Council will take on a neighbourhood plan proposal following receipt of the examiner's report, in accordance with rule 18 of the Neighbourhood Planning (General) Regulations 2012, where there is insufficient time for the matter to be submitted to Cabinet to meet the statutory deadline.	Director of Operations and Head of Paid Service
11.6 Following a consultation with the Leader and the relevant Portfolio Holder, to make a neighbourhood development plan where more than half of those voting in an applicable referendum have voted in favour of the plan.	Director of Operations and Head of Paid Service
11.7 To carry out Rights of Way functions for which the Council is responsible in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).	Director of Operations and Head of Paid Service
11.8 (Further delegated to Head of Planning) Making Local Development Orders (section 61A TCPA) in consultation with the relevant Portfolio Holder;	Director of Operations and Head of Paid Service



11.9 (Further delegated to Head of Planning) Creating Simplified Planning Zones (section 82 TCPA) in consultation with the relevant Portfolio Holder; 1	Director of Operations and Head of Paid Service
11.10 (Further delegate to Head of Planning) Creating Enterprise Zones (section 88 TCPA) in consultation with the relevant Portfolio Holder.	Director of Operations and Head of Paid Service
11.11 Further delegated to Head of Planning) discharge of Planning Conditions in consultation with the relevant Portfolio Holder	Director of Operations and Head of Paid Service
11.12 To approve applications and carry out associated functions pursuant to the Housing Grants, Construction and Regeneration Act 1996, the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and related legislation (including Disabled Facilities Grants) Exception to para 11.12: Applications for discretionary Disabled Facilities Grants must be submitted to Cabinet.	Director of Operations and Head of Paid Service
11.13 (i) To authorise another local authority to carry out the licensing enforcement function in respect of hackney carriage vehicles and private hire vehicles for the Council as well as the Council retaining those functions and; (ii) To authorise the enforcement officers of that local authority to issue notices relating to enforcement, make decisions, or do anything required in respect of hackney carriage and private hire licensing enforcement function. To authorise the making of Public Space Protection Orders	Director of Operations and Head of Paid Service
11.14 To authorise the making of Public Space Protection Orders under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014, following consultation	Director of Operations and Head of Paid Service



<p>with the Leader or Deputy Leader of the Council and relevant Ward Members, and to incur any necessary expenditure to create, manage or revoke Public Space Protection Orders Following consultation with the Licensing Section, Legal Services and the Chair of the Licensing Committee, to suspend or revoke any Private Hire or Hackney Carriage Driver, Vehicle or Operator Licence in such cases where it would be inappropriate to refer the matter to Licensing Committee for consideration. Where permitted by law, this may be with immediate effect on the grounds of public safety.</p>	