

**SECTION 10 – SPECIFIC DELEGATIONS TO OFFICERS REVISED BY
COUNCIL 23rd MAY 2022.**

10. Specific Delegations

10. Managing Director and Head of Paid Service	
Delegations	
10.1	To act as Head of Paid Service for the Council in accordance with the duties set out in Section 4 of the Local Government Act 1989. <u>Exception to para 10.1:</u> Suspension of Monitoring Officer and Section 151 Officer limited to suspension for a maximum of 2 months.
10.2	To act as the Safeguarding lead
10.3	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.
10.4	To express the views of the Council with regard to Local Government and the functions associated with it, within the general policy laid down from time to time by the Council or its Committees and to act thereon.
10.5	To take such action as he/she considers appropriate in an emergency following consultation with the Leader and/or Deputy Leader as he/she considers the circumstances will allow. Any decisions taken under this paragraph shall be reported by the Director of Corporate Resources to the next meeting of Council explaining the reasons for the decision.
10.6	If there is an urgent need for a commercial decision, the Managing Director, following consultation with the Leader and/or Deputy Leader shall make the decision and endorsement will be sought from the Cabinet or Council as appropriate.
10.7	To formulate and co-ordinate advice on strategic and corporate policy and value for money issues.
10.8	To authorise persons to collect, recover, prosecute or appear on behalf of the Council in any legal proceedings
10.9	To progress the Strategic Alliance by taking any action necessary to facilitate it including but not limited to redundancies which may result from the implementation.
10.10	To implement shared services with other local authority or public sector bodies by taking any action necessary to facilitate the arrangements including but not limited to redundancies which may result from the implementation.
10.11	To make authorisations of officers from other services at Bolsover District Council to carry out appropriate statutory powers within North East Derbyshire.

- 10.12 To make authorisations of officers from other services at North East Derbyshire District Council to carry out appropriate statutory powers within Bolsover District Council.
- 10.13 To issue/grant such authorisations as may be necessary to enable any employee to undertake with full legal force the full range of their duties subject to such authorisation remaining only in force until the next ordinary meeting of the Committee have authority to issue/grant such authorisations.
- 10.14 To exercise any of the powers delegated to a Director or Head of Service.
- 10.15 To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.
- 10.16 Following consultation with the Section 151 Officer, delegation in respect of points 1.3 and 1.4 of the Local Government Pension Scheme transfers policy.
- 10.17 Following consultation with the Section 151 Officer, if they see fit to accept transfers (in respect of an individual employees application to transfer in pension from a previous scheme), to the local government pension scheme outside the 12 month period, in those cases where the scheme member had not been informed of the time limit.
- 10.18 Following consultation with the Leader or Deputy Leader and on recommendation of the Monitoring Officer, to approve expenditure in pursuance or determination of any employment related disputes including settlement agreements.
- 10.19 To determine all staffing matters including but not limited to:
- (i) determining matters relating to structure (additions, reductions post title changes and other changes to the establishment)
 - (ii) the appointment, dismissal, suspension or discipline of staff save that in relation to the Directors, Assistant Director and the Heads of Service this does not include the appointment and dismissal.
 - (iii) Approving secondments and temporary appointments of any staff.
- 10.20 Where the decision of the Head of Paid Service taken under above will incur additional expenditure which cannot be met by approved budgets, then the matter will be referred to the Cabinet, provided that the remit of the Cabinet shall be limited to decisions on financial matters only.
- 10.21 To authorise the use of earmarked reserves (Invest to Save Reserve), in consultation with the Section 151 Officer who is required to see the proposals and sign the Delegated Decision Form (DD).

11. Director of Growth and Assets

Delegations

- 11.1 To act as the Emergency Planning lead.
- 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.
- 11.3 To deputise for the Head of Paid Services in his absence and exercise any powers delegated to him.
- 11.4 To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.
- 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/Executive to meet the statutory deadline.
- 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.
- 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).
- 11.8 (Further delegated to Head of Planning) Making Local Development Orders (section 61A TCPA) in consultation with the relevant Portfolio Holder;
- 11.9 (Further delegated to Head of Planning) Creating Simplified Planning Zones (section 82 TCPA) in consultation with the relevant Portfolio Holder;
- 11.10 (Further delegate to Head of Planning) Creating Enterprise Zones (section 88 TCPA) in consultation with the relevant Portfolio Holder.
- 11.11 (Further delegated to Head of Planning) discharge of Planning Conditions in consultation with the relevant Portfolio Holder
- 11.12 (further delegated to Head of Economic Development, Regeneration and Housing Delivery) Agreeing property transactions in line with the Acquisition and Disposal Policy in consultation with the relevant Portfolio Holder.
- 11.13 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 11.11: Applications for discretionary Disabled Facilities Grants must be submitted to Cabinet

- 11.13 In consultation with the Portfolio Holder for Housing, the section 151 Officer and the Monitoring Officer to make changes to the draft Management Agreement with Rykneld Homes both before the final version is agreed and when signed.
- 11.14 To be appointed the Council's Senior Representative under the RHL Management Agreement and given delegated authority in consultation with the Portfolio Holder for Housing to make decisions required by the Management Agreement by the Senior Representative.
- 11.15 (Further delegated to the Head of Economic Development, Regeneration and Housing Delivery) to be appointed the Council's Contract Manager under the RKH Management Agreement and is given delegated authority to make decisions required by the Management Agreement by the Contract Manager.

- 11.16 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;
- 11.17 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.
- 11.18 To authorise the making of notices under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014. In the case of Public Space Protection Orders only these will require consultation with the Leader or Deputy Leader of the Council and relevant Ward Members, and authorisation given to incur any necessary expenditure to create, manage or revoke Public Space Protection Orders
- 11.19 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.

12. Director of Finance and Resources and Section 151 Officer

Delegations

- 12.1 To act as the Section 151 Officer for the Council in accordance with the duties set out in the legislation.
- 12.2 Have responsibility for the proper administration of the financial affairs of the Council.
- 12.3 After consulting with the Head of Paid Service and the Monitoring Officer, as Section 151 Officer to report to the Council Meeting (or to the Cabinet in relation to an Executive Function) and the External Auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure or is lawful and is likely to cause a loss or deficiency or if the Council is likely to enter an item of account unlawfully.
- 12.4 To approve the Draft Statement of Accounts prior to consideration by External Audit.
- 12.5 To determine whether an employee who has left the employment of the Councils shall be granted early release of pension subject to Council approval of the budgetary implications.
- 12.6 After consultation with the relevant Portfolio Holder to authorise the write-off of bad debts up to an approval limit of £5,000. Larger debts will be included in a report for information to the Cabinet.
- 12.7 To authorise any amendments to the list of named officers that may prove necessary during the course of the financial year in relation to the duties identified in accordance with s.223 of the Local Government Act 1972.
- 12.8 To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.
- 12.9 To determine that the Council voluntarily repay 1-4-1 Right to Buy receipts during periods when social housing schemes cannot be identified on which the receipts could be utilised, provided no interest is payable on repayment.
- 12.10 To authorise small increases in individual budgets of up to £10,000 per budget on one occasion in any corporate year subject to a delegated decision notice being produced.

13. Assistant Director of Governance and Monitoring Officer

Delegations

- 13.1 To act as Monitoring Officer for the Council in accordance with the duties set out in Section 5 of the Local Government Act 1989.
- 13.2 To act and perform all functions and duties of Electoral Registration Officer, Returning Officer, Deputy Returning Officer, Local Returning Officer, Acting Returning Officer and Local Counting Officer in all elections and referenda.
- 13.3 To institute, prosecute, defend, conduct, participate in, withdraw or settle any legal proceedings brought by or against the Council, to make any necessary applications and to take steps to enhance or protect the Council's legal position or interest.
- 13.4 Authority to sign documents in legal proceedings, contracts, contracts in accordance with the Contract Procedure Rules whether under seal or not, any document necessary in legal proceedings on behalf of the Council and Information and complaints, and lay them on behalf of the Council for the purpose of Magistrates' Court proceedings unless statute provides otherwise.
- 13.5 Instruction of Counsel and to retain the services of costs specialists, parliamentary agents or outside solicitors and to obtain expert advice on any matter affecting or likely to affect the interests of the Council.
- 13.6 To negotiate and settle claims and disputes without recourse to court proceedings.
- 13.7 To represent the Authority and secure the appearance of an advocate on the Authority's behalf in any legal proceedings.
- 13.8 To conduct, authorise and co-ordinate investigations into complaints under the Members Code of Conduct and make reports or recommendations about them to the Standards Committee.
- 13.9 To advise whether decisions of the Cabinet/Executive are in accordance with the Budget and Policy Framework.
- 13.10 To provide advice on the scope of powers and authority to take decisions, financial impropriety, probity and Budget and Policy Framework.
- 13.11 Monitoring and advising upon all aspects associated with the Regulation of Investigatory Powers Act (RIPA).
- 13.12 To monitor the use of the Gifts and Hospitality Registers and to maintain and sign acknowledgement of entries in the Gifts and Hospitality Register.
- 13.13 To authorise officers who are not solicitors to represent the Council in legal proceedings in the Magistrates Court.

- 13.14 To authorise persons to collect, recover, prosecute or appear on behalf of the Council in any legal proceedings
- 13.15 Following consultation with the Leader and/or Deputy Leader and relevant Portfolio Holder, to make a revoke appointments to outside bodies.
- 13.16 Following consultation with the Bolsover District Council Leader and Deputy Leader, to select Members to sit on any appeals hearing detailing with the hearing and determination of appeals relating to employment (including those relating to dismissal or other disciplinary action, sickness absence, pensions and grievance).
- 13.17 To amend the Polling Place Scheme between reviews, following consultation with the Leader and Deputy Leader.
- 13.18 To consider and co-ordinate any investigation by the Local Government and Social Care Ombudsman or the Housing Ombudsman subject to informing the Head of Paid Service.
- 13.19 To consider and report on any report of the Local Government and Social Care Ombudsman or the Housing Ombudsman and to decide on and implement the action to be taken and to approve and make compensation payments on the recommendation of the Ombudsman whether or not a budget exists following consultation with the Head of Paid Services, the Leader and Deputy Leader up to a maximum of £5,000 in respect of each recommendation.
- 13.20 To make appropriate changes to the Constitution arising from any new legislation, administrative errors or conflicts in interpretation.
- 13.21 To provide a dispensation under Section 85 of the Local Government Act 1972, where an application for dispensation has been received and there is no Council meeting in the meeting schedule which could consider the application before expiry, a dispensation may be granted until the date of the next Council Meeting which could consider it.
- 13.22 To start a recruitment process for the appointment of an Independent Person.
- 13.23 To designate Neighbourhood Areas in consultation with the Portfolio Holder for Environment.

Proper Officer Provisions And Designation Of Officers To Statutory Functions/Roles

The relevant post holders listed below have been designated as Proper Officers, or have been designated to fulfil statutory functions or roles for the purposes of the adjacent legislative provisions and any subsequent amendments:

Legislative Provision	Function	Proper Officer
Local Government Act 1972		
S.83(1) to (4)	Witness and receipt of Declaration of Acceptance of Office	Assistant Director of Governance and Monitoring Officer
S.84(1)	Receipt of notice of resignation of elected member	Assistant Director of Governance and Monitoring Officer
S.88(2)	Arranging a Council meeting to appoint a Chair of the Council	Assistant Director of Governance and Monitoring Officer
S.89(1)	Notice of casual vacancy	Assistant Director of Governance and Monitoring Officer
S.100 (except 100(D))	Admission of public (including press) to meetings	Assistant Director of Governance and Monitoring Officer
S.100B(2)	The officer who may exclude from agendas any information which is likely to be dealt with in the absence of press and public	Assistant Director of Governance and Monitoring Officer
S.100B(7)	The officer to supply copies of documents to newspapers	Assistant Director of Governance and Monitoring Officer
S.100C(2)	The officer to prepare a written summary of the proceedings at committees and sub-committees	Assistant Director of Governance and Monitoring Officer

S.100D(1)(a)	The officer to prepare a list of background papers for inspection.	Assistant Director of Governance and Monitoring Officer
S.100D(5)(a)	The officer to include in the list of background papers those documents which have been relied on.	Assistant Director of Governance and Monitoring Officer
S.100F(2)	The officer to determine when a document should not be open to inspection because it discloses exempt information.	Assistant Director of Governance and Monitoring Officer
S.115(2)	Receipt of money due from officers	Director of Finance & Resources and S.151 Officer
S137A (5)	Statement on Financial Assistance	Director of Finance & Resources and S.151 Officer
S.146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities	Director of Finance & Resources and S.151 Officer
S.151 (and S.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration of the Council's financial affairs	Director of Finance & Resources and S.151 Officer
S.151 (and S.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration of the Council's financial affairs - Deputy	Director of Finance & Resources and S151 Officer
S.191 (2) and (4)	Officer to whom an application under S.1 of the Ordinance Survey Act 1841 will be sent	Assistant Director of Governance and Monitoring Officer
S.225 (1) and (2)	Deposit of documents	Assistant Director of Governance and Monitoring Officer
S.228(3)	Accounts for inspection by any member of the Council	

		Director of Finance & Resources and S.151 Officer.
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S.229(5)	Certification of photographic copies of documents	Team Manager (Solicitor)
s.234	The officer required to give, make or issue any notice, order or other document under any enactment and to sign the same.	Assistant Director of Governance and Monitoring Officer
S.236(9) and (10)	Sending of copies of byelaws to parish councils, parish meetings and County Council	Team Manager (Solicitor)
S.238	Certification of byelaws	Governance Manager
S.248 and 249	Officer who will keep the Roll of Honorary Aldermen and Freemen	Governance Manager
Local Government Act 1972 – Schedule 12		
Para 4(2)(b)	Signing of summons to Council meeting	Assistant Director of Governance and Monitoring Officer
Para 4(3)	Receipt of notice about address to which summons to meeting is to be sent	Assistant Director of Governance and Monitoring Officer
Local Government Act 1972 – Schedule 14		
Para 25	Certification of resolution passed under this paragraph (Street naming etc)	Director of Growth and Assets
Local Government Act 1974		
S.30(5)	To give notice that copies of an Ombudsman's report are available	Assistant Director of Governance and Monitoring Officer

Local Government (Miscellaneous Provisions) Act 1976		
S.41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	Assistant Director of Governance and Monitoring Officer
Local Authorities Cemeteries Order 1977		
Regulation 10	To sign exclusive rights of burial	Managing Director
Representations of the People Act 1983		
S.8	Registration Officer	Assistant Director of Governance and Monitoring Officer
S.8	Deputy Registration Officer	Electoral Services Manager
S.35	Returning Officer for Local Elections	Assistant Director of Governance and Monitoring Officer
S.35	Deputy Returning Officer for Local Elections	Electoral Services Manager
S.24	Acting Returning Officer for a Parliamentary Election	Assistant Director of Governance and Monitoring Officer
S.24	Deputy Acting Returning Officer for a Parliamentary Election	Electoral Services Manager

S.52	To act in place of Registration Officer	Deputy Registration Officer (see above)
S.67	Appointment of election agent	Assistant Director of Governance and Monitoring Officer
S.82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Assistant Director of Governance and Monitoring Officer
S.128, S.131, S.145, S.146	Provisions relating to election petitions	Assistant Director of Governance and Monitoring Officer
S. 200	Publication of Notices under the Act	Assistant Director of Governance and Monitoring Officer
Sch. 4, (3), (6) and (8)	Elections Expenses	Assistant Director of Governance and Monitoring Officer
Local Authorities (Conduct of Referendums) (England) Regulations 2012		
S.4, S41 and S.43	Publicity in connection with the referendum and the Declaration of result	Assistant Director of Governance and Monitoring Officer
Local Elections (Parishes and Communities) (England and Wales) Rules 2006		
Rules 5	Officer to receive the request for election to fill a casual vacancy in a Parish Council.	Assistant Director of Governance and Monitoring Officer
Local Government Act 2000		
	All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation	Monitoring Officers and Head of Paid Services, except as specifically provided in this scheme

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Regulation 2	Determination of documents constituting Background Papers	Assistant Director of Governance and Monitoring Officer
Regulation 12	Recording of Executive decisions made at meetings of the Executive or Cabinet.	Assistant Director of Governance and Monitoring Officer
Regulation 14	Inspection of documents following Executive decisions	Assistant Director of Governance and Monitoring Officer
Regulation 15	Inspection of background papers	Assistant Director of Governance and Monitoring Officer
Regulation 13	Individual Executive decisions	Assistant Director of Governance and Monitoring Officer
Regulation 7	Access to agenda and connected reports	Assistant Director of Governance and Monitoring Officer
Regulation 10	General exception relating to Key Decisions	Assistant Director of Governance and Monitoring Officer
Regulation 16	Members' rights of access to documents	Assistant Director of Governance and Monitoring Officer
Regulation 20	Confidential/exempt information and exclusion of public from meetings	Assistant Director of Governance and Monitoring Officer
Building Act 1984		
S.78	Signing of Notices	Managing Director

Public Health Act 1936		
S.85(2)	To serve notice requiring remedial action where there are verminous persons or articles	Managing Director
Public Health Act 1961		
S.37	Control of any verminous article	Managing Director
Localism Act 2011		
S.33	Submission of written requests for Standards Dispensations	Assistant Director of Governance and Monitoring Officer
S.81	Administration of Community Right to Challenge	Assistant Director of Governance and Monitoring Officer
S.87	Maintenance of List of Assets of Community Value	Assistant Director of Governance and Monitoring Officer
Freedom of Information Act 2000		
S.36	Qualified Person determining prejudice to effective conduct of public affairs	Assistant Director of Governance and Monitoring Officer
Local Government and Housing Act 1989		
S.2(4)	Recipient of the list of politically restricted posts	Assistant Director of Governance and Monitoring Officer
S.3A	Employers certificate for exemption from politically restricted posts	Managing Director
S.4	Head of Paid Service	Managing Director

S.5	The Monitoring Officer	Assistant Director of Governance and Monitoring Officer
S.5	Deputy Monitoring Officer	Team Manager (Contentious) (Solicitor)
Local Government (Committees and Political Groups) Regulations 1990		
	For the purposes of the composition of committees and nominations to political groups	Assistant Director of Governance and Monitoring Officer
Local Authorities (Standing Orders) (England) Regulations 2001		
Schedule 1, Part II, para 5.	Officer who will be given written notice of appointment or dismissal of officers listed in Schedule 2, Part II, paragraph 3	Managing Director
Data Protection Act 2018		
S.69	Data Protection Officer	Information, Engagement and Performance Manager