

Specific Delegations to officers

This section sets out a specific delegation of powers to Council officers and the scope and scale of these powers.

1. Managing Director and Head of Paid Service

- 1.1 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.

Exception to para 1.1: Suspension of the Monitoring Officer and the Section 151 Officer limited to suspension for a maximum of 2 months.

- 1.2 To act as the Safeguarding and Risk Management lead and as the Council's Senior Risk Officer.
- 1.3 To guide and where appropriate direct Directors and Assistant Directors in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.
- 1.4 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 to by the Council, Cabinet or its Committees and to act thereon.
- 1.5 To take such action as they consider appropriate in an emergency following consultation with the Leader and/or Deputy Leader as they consider the circumstances will allow. Any decisions taken under this paragraph shall be reported by the Managing Director to the next meeting of Council explaining the reasons for the decision.
- 1.6 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.
- 1.7 To formulate and co-ordinate advice on strategic and corporate policy and value for money issues.
- 1.8 To authorise persons to collect, recover, prosecute or appear on behalf of the Council in any legal proceedings.
- 1.9 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.

- 1.10 To make authorisations of officers from other Councils providing shared services or providing services to carry out appropriate statutory powers within North East Derbyshire.
- 1.11 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 having authority to issue/grant such authorisations.
- 1.12 To exercise any of the powers delegated to the Directors or Assistant directors.
- 1.13 To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.
- 1.14 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.
- 1.15 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.
- 1.16 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.
- 1.17 To grant employer certificates of exemptions and declarations to politically restricted posts under Section 3 of the Local Government and Housing Act 1989.
- 1.18 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 (including the suitable point of the pay scale for the appointment), dismissal, suspension or discipline of staff save that in relation to the Directors and Assistant Directors does not include the appointment and dismissal
 - (iii) approving secondments and temporary appointments of any staff.
- 1.19 Where the decision of the Head of Paid Service taken under the above will incur additional expenditure which cannot be met by approved budgets, then the matter will be determined under the above delegation together

with the Director of Finance and Resources and Section 151 exercising their delegation under 3.10 provided the cost is less than £15,000. Any budget increase above this level must be referred to Council.

- 1.20 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).
- 1.21 Following consideration by JCG, to approve operational policies relating to the management of people within the organisation except where the policy is a new policy or there is significant disagreement with the Unions as to the content. A new policy is one which covers a part of the Employer/Employee relationship not previously covered by a policy.
- 1.22 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.
- 1.23 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.
- 1.24 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).
- 1.25 (Further delegated to the Assistant Director of Planning) Making Local Development Orders (section 61A TCPA) in consultation with the relevant Portfolio Holder.
- 1.26 (Further delegated to the Assistant Director of Planning) Creating Simplified Planning Zones (section 82 TCPA) in consultation with the relevant Portfolio Holder.
- 1.27 (Further delegate to the Assistant Director of Planning) Creating Enterprise Zones (section 88 TCPA) in consultation with the relevant Portfolio Holder.
- 1.28 (Further delegated to the Assistant Director of Planning) discharge of Planning Conditions in consultation with the relevant Portfolio Holder.
- 1.29 (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 Fixed penalty Notices, notices relating to enforcement, make decisions, or do

anything required in respect of hackney carriage and private hire licensing enforcement function.

- 1.30 To authorise the making of Public Space Protection Orders.
- 1.31 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.
- 1.32 To act on behalf of the Council as the Council's representative in relation to the Management Agreement with and as owner of Rykneld Homes Limited, this to include making minor changes to the agreements with Rykneld Homes Limited.

2 Director of Growth and Assets

- 2.1 To act as the Emergency Planning / PROTECT lead.
- 2.2 To guide and where appropriate direct Directors and Assistant Directors in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.
- 2.3 To deputise for the Managing Director and Head of Paid Service in their absence and exercise any powers delegated to them.
- 2.4 To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.
- 2.5 To act on behalf of the Council as the Council's representative in relation to the Management Agreement with and as owner of Rykneld Homes Limited, this to include making minor changes to the agreements with Rykneld Hmes Limited.

3 Director of Finance and Resources and Section 151 Officer

- 3.1 To act as the Section 151 Officer for the Council in accordance with the duties set out in the legislation and PREVENT lead.
- 3.2 To have responsibility for the proper administration of the financial affairs of the Council.
- 3.3 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.
- 3.4 To approve the Draft Statement of Accounts prior to consideration by External Audit.
- 3.5 To determine whether an employee who has left the employment of the Council shall be granted early release of pension subject to Council approval of the budgetary implications.
- 3.6 After consultation with the relevant Portfolio Holder to authorise the write-off of bad debts up to an approval limit £5000. Larger debts will be included in a report for information to the Cabinet.
- 3.7 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.
- 3.8 To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation
- 3.9 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.
- 3.10 To authorise small increases in individual budgets of up to £15,000 per budget on one occasion in any corporate year subject to a delegated decision notice being produced. Where this increase relates to a staffing matter, the delegated decision notice will be a joint one with the Head of Paid Service using his delegation 1.19.
- 3.11 To guide and where appropriate direct Directors and Assistant Directors in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.

- 3.12 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 3.12: Applications for discretionary Disabled Facilities Grants must be submitted to Cabinet.

- 3.13 To act on behalf of the Council as the Council's representative in relation to the Management Agreement with and as owner of Rykneld Homes Limited, this to include making minor changes to the agreements with Rykneld Homes Limited.
- 3.14 Where an area is to be regenerated and a Council House within that area becomes void, to retain the property as void until such time as the regeneration scheme is commenced or a decision is taken not to proceed.
- 3.15 To authorise the use of earmarked reserves (Invest To Save).

4 Assistant Director of Governance and Monitoring Officer

- 4.1 To act as Monitoring Officer for the Council in accordance with the duties set out in Section 5 of the Local Government Act 1989.
- 4.2 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.
- 4.3 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.
- 4.4 Authority to sign documents in legal proceedings, contract, 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.
- 4.5 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.
- 4.6 To negotiate and settle claims and disputes without recourse to court proceedings.
- 4.7 To represent the Authority and secure the appearance of an advocate on the Authority's behalf in any legal proceedings.
- 4.8 To conduct, authorise and coordinate investigations into complaints under the Members' Code of Conduct and make reports or recommendations about them to the Standards Committee.
- 4.9 To advise whether decisions of Cabinet are in accordance with the Budget and Policy Framework.
- 4.10 To provide advice on the scope and powers and authority to take decisions, financial impropriety, probity and Budget and Policy Framework.
- 4.11 Monitoring and advising upon all aspects associated with the Regulation of Investigatory Powers Act (RIPA).
- 4.12 To monitor the use of the Gifts and Hospitality Registers and to maintain and sign acknowledgement of entries in the Gifts and Hospitality Register.
- 4.13 To authorise officers who are not solicitors to represent the Council in legal proceedings in the Magistrates Court under Section 223 of the Local Government Act 1972 or any other legislation.

- 4.14 To authorise persons to collect recover prosecute or appear on behalf of the Council in any legal proceedings.
- 4.15 Following consultation with the Leader and/or Deputy Leader and relevant Portfolio Holder to make or revoke appointments to outside bodies and following consultation with the relevant party Leader to make changes to the membership of Committees and Sub Committees and inform all Party Leaders of the change.
- 4.16 To amend the Polling Place Scheme between reviews, following consultation with the Leader and Deputy Leader.
- 4.17 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.
- 4.18 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 Service, the Leader and Deputy Leader up to a maximum of £5,000 in respect of each recommendation.
- 4.19 To make appropriate changes to the Constitution arising from any new legislation, administrative errors or conflicts in interpretation.
- 4.20 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 provided this is within 6 months of the last attendance at a qualifying meeting by the Councillor.
- 4.21 To designate Neighbourhood Areas in consultation with the Portfolio Holder for Environment.
- 4.22 To start a recruitment process for the appointment of an Independent Person.
- 4.23 To act on behalf of the Council as the Council's representative in relation to the Management Agreement with and as owner of Rykneld Homes Limited, this to include making minor changes to the agreements with Rykneld Homes Limited.
- 4.24 To grant dispensations to Members for one meeting where the Monitoring Officer has received a written request for a dispensation from a Disclosable Pecuniary Interest or Significant Other Interest and the Monitoring Officer considers that:

- by not granting a dispensation, the business of the Authority, Cabinet or Committee is likely to be impeded; or
- the political balance of the Committee or Authority is so upset as to alter the outcome of a vote; or
- all members of the Cabinet are unable to participate in business to be carried out by the Cabinet; or
- without the dispensation no Member of the Cabinet would be able to participate; or