

Appendix 1 – Responsibility for Functions

A. INTRODUCTION

1. The Council has adopted the Leader and Cabinet (executive) (England) governance model. The Cabinet consists of the Leader of the Council (who is appointed by full Council and may be removed by it) and 2 or more councillors appointed to the Cabinet from time to time by that Leader. The executive of Derbyshire County Council is described as 'the Cabinet'.
2. In accordance with the law, any function of the Council which is not otherwise specified in legislation is an 'executive function' and is the responsibility of the Leader and Cabinet. The Leader and Cabinet are responsible for all of the County Council's functions (including local area functions), except those which are required by the law or this Council's Constitution, to be the responsibility of the Council itself, or any other non-Cabinet part of the Council. Cabinet functions are regarded as exercisable by the Cabinet (or officers or individual Cabinet Members) on behalf of the Council and may not be exercised by the Council.
3. Such Cabinet functions may be discharged in accordance with provisions made by, or under, this Constitution or the law, in particular the Local Government Act 2000, Public Involvement in Health Act 2007, Localism Act 2011 and associated Regulations.
4. Legislation specifies particular non-Cabinet functions which cannot be the responsibility of the Cabinet, and also local area functions which may be allocated to be the responsibility of the Cabinet, but do not need to be. All local choice functions which are not otherwise allocated under this Constitution are the responsibility of the Leader and Cabinet.
5. The Leader may personally discharge functions which are the responsibility of the Cabinet or arrange for their discharge by the Cabinet, another member of the Cabinet, a committee of the Cabinet, a joint committee or by an officer. The Leader may change these arrangements from time to time. Unless the Leader otherwise directs, the Cabinet itself may also arrange for the discharge of any of its functions by a committee of itself, a joint committee, individual Cabinet Member or by an officer.
6. This scheme reflects the assignment of functions by either the Council (in respect of matters which are not executive functions) or by the Leader of the Council or Cabinet (in respect of matters which are the responsibility of the Cabinet as appropriate to the particular function. In relation to delegation to officers, the scheme does not distinguish between the two sources of delegation.
7. Responsibility for the functions of the Council and Cabinet is delegated or assigned as set out in the following provisions of this scheme as updated from time to time, and such delegation/assignment includes the power to do anything which is calculated to facilitate or is conducive to the discharge of those functions.
8. The provisions of this scheme take account of the requirements of the Local Government Act 2000, the Local Government and Public Involvement in Health Act 2007, Localism Act 2011

and relevant legislation including Regulations in the assignment of functions to the Council

itself, to the Leader/Cabinet, to other Committees or Panels. They take account of any prohibitions, restrictions or local choice in the assignment of these functions.

9. The Council, the Leader, Cabinet, individual Members, Committees or Panels to which functions are assigned, shall act in accordance with the law and the provisions of the Council's Constitution, including any Standing Orders, Procedure Rules, Financial Regulations and protocols approved from time to time (except those joint committees or any other member bodies regulated by separate constitutions).
10. Those functions reserved to the full Council itself are not to be delegated or assigned except as permitted under the law or this Constitution.
11. Each body or person having decision-making powers (a 'Delegate') shall implement and act within the policies of the Council, having regard to the advice of the Chief Legal Officer and Chief Finance Officer as necessary.
12. Each Delegate shall have the power to delegate further to an officer all or any of the functions delegated to it.
13. Each Delegate shall have the power to institute or defend or authorise appearance in legal proceedings within the scope of their delegation, having regard to the advice of and with the consent of the Director of Legal & Democratic Services.
14. A Delegate may decide not to exercise any function in relation to a particular matter and invite the Council, Leader or Cabinet (depending upon whether the function is the responsibility of the Cabinet or any other appropriate body as the case may be to do so instead.
15. The functions, powers and duties are delegated to officers in accordance with the scheme of delegation to officers.
16. Meanings:
 - (a) Cabinet (executive) functions shall mean those functions that by law must be the responsibility of the Cabinet.
 - (b) Non-Cabinet functions shall mean those functions that by law must not be the responsibility of the Cabinet.
 - (c) Local area functions shall mean those functions that the Council may decide to exercise itself or delegate to any part of the Council including the Cabinet.
 - (d) Responsibility of the Cabinet shall include those matters which are Cabinet (executive) functions, or local choice functions which have been delegated to the Cabinet.

B. PRINCIPLES OF DELEGATION

The principles guide the allocation of responsibility for decision-making at Cabinet Member, Managing Director, Executive Director and Director level.

In respect of matters delegated from Cabinet to individual Cabinet Member, the focus would be on policy issues within the policy and expenditure frameworks agreed by Council/Cabinet:-

- Policy matters, internal to the service, and required to provide guidance to officers to ensure significant policy decisions are implemented
- Details of policy matters delegated by Cabinet once principles have been agreed
- Expenditure items not specifically detailed within Service Plans but not sufficiently significant in scale to refer to Cabinet
- Responses to consultation documents not referred to Cabinet.

In respect of matters delegated from Cabinet to Executive Directors or Directors in consultation with Cabinet Members, the focus would be on service management issues with policy or political implications (no surprises policy)

- Significant management decisions which could have an adverse or controversial impact on the delivery of services or achievement of agreed targets
- Development of Service Plans and Policy Statements for consideration by Cabinet

In respect of matters delegated from Cabinet to an Executive Director or Director these would relate solely to the management of services and resources covering:-

- Management of services within the framework of the Council Plan, Service Plans and Council policies and standards agreed by Members
- Management of resources within the framework of the corporate strategies (i.e. Financial, Information & Communications Technology, Procurement, Human Resources and Asset Management) agreed by Members.

C. SCHEME OF DELEGATION

Aims

Democratic accountability should be the key aim of the Scheme of Delegation together with:-

- Member authority for policy/strategic decisions
- Effective scrutiny of policy/strategic issues
- Officer responsibility for service delivery
- Effective monitoring of service performance.

Member Advantages

The Scheme of Delegation details below the decisions to be taken at the different levels. For Cabinet Members it will deliver the:-

- Ability to control key/strategic decisions in Council and Cabinet
- Opportunity to consider and shape policy within the Cabinet
- Involvement in Council Plan/Budget formulation in informal 'Star Chamber' type arrangements.

For individual Cabinet Members the advantages are:-

- Enhanced authority and responsibility to implement policy within agreed frameworks
- Increased ability to take speedier policy decisions
- Greater involvement in shaping service delivery in line with policy
- Improved information on service activities and executive decisions
- Improved service personal/political profile
- Protection of personal positions and interests through collective responsibility in Council/Cabinet and support from the Managing Director, Executive Directors or Directors.

Other councillors will see improvements through:-

- Greater involvement, given the range of decisions proposed for Council
- An enhanced role through Improvement and Scrutiny Committees
- More responsibility for inspecting and monitoring service delivery within their local area
- Increased influence via the Sustainable Community Strategy Plan etc in shaping partner organisation activity.

Member-Officer Relationships

The Scheme of Delegation will only work effectively if there is mutual understanding and trust between Members and Officers.

However, to support the Scheme of Delegation and particularly where matters are delegated from Cabinet to Cabinet Member and the Managing Director, Executive Directors or Directors, it is suggested that:-

- 'Service Plans' should be of sufficient detail to provide an effective framework for decisions
- Information on service delivery should be enhanced to ensure that members know what is going on without having to ask
- Protocols, or sets of criteria, for the detailed implementation of specific policy or service areas should be agreed between the Cabinet Member and the Managing Director, Executive Directors or Directors
- The principle is reinforced that the Managing Director, Executive Directors or Directors err on the side of caution in informing members of decisions that might have political implications
- Decisions delegated to officers within departments are dealt with in a structured way with proper records and audit trails so it is clear who is responsible and what the reasons were for the decisions.

D FULL COUNCIL

Meanings

- (a) **Policy Framework.** The policy framework means the following plans and strategies:-
- Annual Library Plan (where required under section 1(2) Public Libraries and Museums Act 1964);
 - Children's and Young People's Plan;
 - Crime and Disorder Reduction Strategy (Community Safety Agreement);
 - Local Transport Plan;
 - Plans and strategies which together comprise the Development Plan;
 - Youth Justice Plan;
 - Council's Corporate Plan (The Council Plan).
- (b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and, if required, the setting of virement limits different to those in Financial Regulations.

Functions of the Full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework and the budget;
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Appendix 6 of this Constitution, making decisions about any matter in the discharge of a Cabinet function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to, or not wholly in accordance with, the budget;
- (d) appointing the Leader;
- (e) agreeing or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;

- (g) adopting a Members' allowances scheme under Appendix 13;
- (h) changing the name and status of areas and individuals;
- (i) confirming the appointment of the Head of Paid Service;
- (j) making, amending, revoking, re-enacting or adopting bye-laws and promoting or opposing the making of local legislation or personal Bills;
- (k) consideration of settlements and exit packages on termination of employment or remuneration on appointment in excess of £100,000;
- (l) making decisions relating to election functions;
- (m) all other matters which, by law, must be reserved to Council.

Council Meetings

There are three types of Council meeting:-

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings;

and they will be conducted in accordance with the Council Procedure Rules in Appendix 3 of this Constitution.

E. CABINET

The Cabinet will be responsible for guiding the Council in the formulation of its corporate plan of objectives and key priorities. Within the policy framework, budgets and major plans approved by the full Council, the Cabinet will have Cabinet responsibility for the implementation of the Council's key goals and objectives.

It will operate within the Scheme of Delegations set out in this document.

The Leader chairs the Cabinet and appoints eight members as Cabinet Members and allocates cross-service Portfolio responsibilities to the Cabinet Members.

Matters for Cabinet

The Local Government Act 2000 delegates most functions to the Cabinet for example.

- Policy formulation within and across services
- Performance indicator and target setting
- Recommending Corporate Plans to Council
- Recommending Service Plans to Council
- Agreeing variations to Service Plans
- Monitoring Council Plan and Best Value targets
- Monitoring Service Plan delivery
- Preparing budget estimates
- Monitoring revenue/capital budget spend
- Reviewing progress on major capital schemes and other service developments
- Agreeing major organisational changes
- Agreeing virement between service areas
- Agreeing externally funded initiatives not included in Service Plans
- Agreeing detailed policy implementation criteria
- Agreeing Best Value Review reports
- Agreeing policy representations to Government
- Agreeing representation on 'larger than local' county, regional and national bodies.

F. CABINET MEMBER PORTFOLIOS

Cabinet Members are authorised to make decisions required in the area of their individual Cabinet Portfolio.

- (a) Cabinet Members may take policy, budget and expenditure decisions in accordance with the principles set out in paragraph Financial Regulations.
- (b) Cabinet Members may take decisions on tenders and contracts in accordance with Standing Orders In Relation To Contracts.

- (c) Cabinet Members may take decisions on virement, audit, debt write-off and placing of orders in accordance with Financial Regulations.
- (d) Cabinet Members may deal with certain petitions in accordance with the Council's Petition Scheme.
- (e) Cabinet Members may make decisions on:
 - (i) appointment of Members to outside bodies (Leader of the Council)
 - (ii) appointment of governors to local authority schools (Cabinet Member for Education)
 - (iii) attendance of other Members at courses and conferences
 - (iv) grants administered by the Council.
- (f) The Cabinet Member for Corporate Services & Budget may take decisions concerning the acquisition or disposal of land.

Strategic Leadership, Culture, Tourism and Climate Change

- Council Plan and overall Council strategy, policy and co-ordination
- Council performance
- Council budget strategy
- Climate Change
- Strategic lead Enterprising Council
- Strategic lead Vision Derbyshire
- Public Relations
- Policy & Research
- External Relations (East Midlands Councils, Local Government Association, Central Government & MPs)
- Regional Partnerships including Local Enterprise Partnership and D2 Economic Prosperity Committee
- Twinning
- Visitor Economy and Tourism
- Libraries and Culture
- Conservation and Heritage
- Strategic leadership of any matter of significant local, regional or national importance that may otherwise fall within another portfolio

Corporate Services and Budget

- Finance and Budget Monitoring
- Procurement
- Human Resources – Policy and Strategy

- Organisational Health and Safety
- Legal and Democratic Services
- Elected Member Development
- Property Rationalisation and Asset Management
- Efficiency and Value for Money
- Service Re-design
- Information and Communications Technology Services

Highways Assets and Transport

- Highways Assets and Highways Strategy
- Highways Asset Management and maintenance
- Highways Capital Programme
- Future Highways Model
- Highways Structures Management
- Road Safety
- Street Lighting
- Civil Parking enforcement
- Flooding and Drainage
- Public Transport
- Home to School Transport including SEN
- Adult Social Care Transport
- Community Transport
- Fleet Management and Maintenance

Infrastructure and Environment

- Environment and Natural Capital
- Countryside Services
- Local Nature Partnerships
- Strategic Planning and Local Planning Frameworks
- Minerals and Waste Planning
- Strategic Infrastructure (HS2, Chesterfield Staveley)
- Transport Strategy and Transport Planning (road, rail, other)
- Regional Transport Partnerships (Midlands Connect, Transport for Greater Manchester, Transport for the North and Transport for East Midlands)
- Digital Infrastructure
- Waste Strategy
- Waste Management
- Recycling
- Corporate Waste

Clean Growth and Regeneration

- Economic Development
- Economic Partnerships including Derbyshire Economic Partnership, International Partnership Boards
- Local Economic Strategy and Assessment
- Sector development
- Major regeneration projects
- Employment and Skills
- External Funding
- Inward Investment and Indigenous Growth
- Apprenticeships
- Business Support and Start-ups
- Markham Vale

Adult Care

- Adult Safeguarding
- Better Lives Programme
- Information, advice and assessment for people with social care needs
- Personalisation
- Commissioning and Procurement of Services
- Provision of in-house services
- Social Care and NHS integration

Health and Communities

- Health and Wellbeing Board
- Relationship with the NHS CCG and Integrated Care Partnership
- Public Health, including:
 - Health improvement
 - Healthcare related public health
 - Health protection (infectious diseases and environmental health threats and preparedness)
- Prevention
- Health Inequalities
- Integration, including Integrated Care System
- Mental Health and Wellbeing
- Developing whole person wellbeing, health and care
- Strategic lead Thriving Communities
- Engagement with Communities
- Equalities
- Community Cohesion

- Community Consultation and Community Leadership
- Voluntary and Community Sector
- Crime and Disorder and Partnerships
- Domestic Violence
- Action on Drugs and Alcohol
- Emergency Planning
- Trading Standards
- District and Parish Council Liaison
- Registration Services
- Coroner Services

Children and Families

- Designated Lead Member for Children's Services pursuant to Section 19 of the Children Act 2004
- Overall strategy and policy for all Children's matters, i.e. Education, Children and Families pursuant to the requirements of the Children Act 2004
- Children and Young People's Plan
- Corporate parenting
- Standards across statutory services
- Statutory multi-agency partnerships
- Early help relating to children and families
- Strategy for Special Educational Needs and Disability
- Vulnerable youth including young people missing education, those at risk of exploitation youth offending
- To act as champion for children and young people and in order to do so ensure the councils engagement with children and young people, parents and carers

Education

- Supporting the Cabinet Member for Children and Families as statutory lead member given the breadth of the portfolio by providing:
 - additional capacity drive improvements in school standards and educational attainment
 - liaison with schools, academies, colleges and other representatives of the education sector.
- Implementation of strategic direction as set by the Cabinet Member for Children and Families Safeguarding in relation to education, schools, and SEND
- Implementation of policies and strategies agreed by the Cabinet Member for Children and Families in relation to:
 - admissions, infrastructure, home to school transport policy and school organisation matters
 - early years education and childcare
 - provision for those children and young people at risk of educational exclusion for example those who are electively home educated, those in alternative provisions, and those who are missing education

- Post 16 education and skills policies and initiatives- including links with FE colleges, adult education, universities and training providers
- Education inclusion
- Educational outcomes for those at risk of poor outcomes
- Specialist education services including the music partnership, sports outdoor and recreation and education, school sports
- Governor appointment and development lead in line with local constitution

Local Choice Functions

Some Council functions are “local choice functions”. This means that the Council can decide whether the function is to be the responsibility of the Executive (an “executive function”) or the responsibility of the Council (a “non-executive” function). The following table sets out these “local choice functions”, designates them as “executive” or “non-executive”, and shows who is authorised to discharge them.

Local Choice function	Executive or Non-Executive	Decision maker	Further delegation
Any function under a Local Act not specifically excepted	See Annex 1		
The determination of any appeal against any decision made by or on behalf of the authority in connection with executive functions	Executive	Cabinet	Relevant Executive Director responsible for the executive function in consultation with the Director of Legal and Democratic Services
The determination of any appeal against any decision made by or on behalf of the authority in connection with non-executive functions	Non-executive	Full Council/Relevant Committee responsible for the non-executive function	Relevant Executive Director responsible for the non-executive function in consultation with the Director of Legal and Democratic Services
Making of arrangements in relation to appeals against the exclusion of pupils from maintained schools (section 52 of the Education Act 2002)	Executive	Cabinet	Appeals heard and determined by a lay independent Panel appointed by the Director of Legal and Democratic Services

Making arrangements for school admission appeals (sections 94(1), (1A) and (4) of the School Standards and Framework Act 1998)	Executive	Cabinet	Appeals heard and determined by a lay independent Panel appointed by the Director of Legal and Democratic Services
Making arrangements for appeals by governing bodies (section 95(2) of the School Standards and Framework Act 1998)	Executive	Cabinet	Director of Legal and Democratic Services
Obtaining information under section 330 of the Town and Country Planning Act 1990 as to interests in land	Executive	Cabinet	Executive Director - Place
Obtaining particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Executive	Cabinet	Director of Legal and Democratic Services
Making agreements for the execution of highway works under Section 278 of the Highways Act 1980	Executive	Cabinet	Executive Director - Place
The appointment of any individual to outside bodies in connection with	Executive	Cabinet	Leader of the Council

functions which are the responsibility of the executive			
The appointment of any individual to outside bodies in connection with all other appointments	Non-executive	Full Council	Managing Director where the appointment is urgent and cannot be dealt with by submission to the next following meeting of the Council
The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities	Non-executive	Appointments and Conditions of Service Committee	Managing Director/Head of Paid Service Executive Directors

ANNEX 1

There are a number of functions in the Derbyshire Act 1981 and the responsibility for the discharge of these functions should be as follows:

Function	Executive or Non-Executive	Decision making body	Further delegation
Section 4 - Application of private street works code to parts of public streets	Executive	Cabinet	Executive Director - Place
Section 8 - Affixing of traffic signs to buildings.	Executive	Cabinet	Executive Director – Place
Section 12 - Provision of parking places in parks, etc.	Executive	Cabinet	Executive Director - Place
Section 21- Grass verges, etc.	Executive	Cabinet	Executive Director - Place
Section 26 - Oil-burning equipment byelaws	Non-Executive	Council	Not delegated

H. POWERS DELEGATED TO EXECUTIVE DIRECTORS IN CONSULTATION WITH CABINET MEMBERS

1. This Scheme delegates to the Managing Director, Executive Directors and other officers the powers and duties necessary for the discharge of the Council's functions subject to the provisions of Part A and Part B below. It is adopted with the aim of streamlining and simplifying the decision-making processes of the Council and accordingly, the Scheme should be interpreted widely rather than narrowly. Where functions are delegated, these should be taken to include all powers and duties necessary to carry out those functions under all present and future legislation and all incidental powers including power to serve statutory notices (after consultation with the Director of Legal and Democratic Services (Monitoring Officer) where specified and carry out works in default.
2. Part A of this Scheme of delegation sets out the general delegations. They are all subject to the provisions of Part B.
3. Part B sets out the restrictions and conditions applicable to the exercise of any delegated powers by the Managing Director, Executive Directors and Directors including the general powers and the specific powers in Part C.
4. Part C sets out the specific delegations to departmental Executive Directors and Directors.

PART A

A1 Executive Directors will take all action necessary to implement their Service Development Plan within the terms in which the Plan was approved by the County Council.

A2 Executive Directors may, within the approved budget, therefore, exercise all matters of day-to-day administration and operational management of the services and functions for which they are responsible to the County Council, the Cabinet or a committee which delegation shall include taking and implementing decisions including in particular any decision which is not a key decision and which is concerned with maintaining the operation or effectiveness of those services or with a matter incidental to the discharge of the Council's functions or which falls within the scope of a policy decision taken by the Council.

A3 Conditions

- 3.1 The scheme does not delegate to the Managing Director, Executive Directors or other Officers any key decisions or delegate matters to individual members of the Council's Cabinet. Key decisions are defined in Article 7.
- 3.2 All powers and duties that the Managing Director, an Executive Director or other Officer is authorised to exercise or perform must be exercised or performed on behalf of and in the name of the Council and in accordance with the Constitution.

3.3 Where any matter involves professional or technical considerations not within this sphere of competence of the Managing Director, Executive Directors or other Officers they must consult

the appropriate professional or technical Officer of the Council before authorising action.

- 3.4 Appointments to act as authorised or proper Officers must be made by the Director of Legal and Democratic Services (Monitoring Officer) unless specified later in the Scheme.
- 3.5 The Director of Legal and Democratic Services (Monitoring Officer) is appointed to act as authorised or proper Officer for the purposes of any Act of Parliament or statutory instrument where qualified to do so and another Officer has not been appointed.
- 3.6 The Director of Legal and Democratic Services (Monitoring Officer) may appoint other Officers to act as authorised or proper Officers for the purposes of any Act of Parliament or statutory instrument and to appear on behalf of the Council in proceedings before the Magistrates or County Court.
- 3.7 The Leader of the Council and the appropriate Executive Director must be consulted about responses to consultation papers issued by Government Departments or National or Regional Bodies. The appropriate Member of the Council Cabinet must be consulted about responses to long term or strategic plans of neighbouring planning authorities.
- 3.8 Consultants may only be appointed in accordance with the contract procedure rules.
- 3.9 Any reference to an Executive Director or other Officer includes any other person authorised in writing by that Officer to act on their behalf.
- 3.10 In addition to the general powers conferred upon them as Executive Director, these Officers will be authorised as to exercise all the powers and duties specifically conferred on subordinate Officers in their department. All powers and duties conferred upon subordinate Officers will be exercised in accordance with any direction issued by their Executive Director, save for the powers and duties conferred upon the Monitoring Officer and the Chief Finance Officer.
- 3.11 Reference to any statutory provision includes any statutory provision amending, consolidating or replacing it for the time being in force.

A4 Staffing Conditions

- 4.1 The Executive Directors will be responsible for appointing, managing, disciplining and dismissing all employees within their Departments subject to complying with:
 - Corporate Employment Policies and Conditions of Service.
 - Any appropriate schemes or arrangements laid down by the Council or the Council Cabinet.
 - Any directions that may be issued from time to time by the Director of Legal and Democratic and Services (Monitoring Officer).
 - The Officer and Employment Procedure Rules.
 - The following matters must be dealt with in conjunction with the Director of People and Organisational Change

- Departmental Monitoring of Equal Opportunities, attendance, ill health retirement etc.

- Implementation of Workforce Development Plans.
- Temporary Secondments and similar arrangements in accordance with the Council's policies and procedures.
- Appeals against discipline, grievance etc.
- Ill health retirements within Policy.
- Work experience placements.
- Secondary employment.
- Reviewing and authorising changes to departmental structures and establishments.
- Authorising overtime payments for employees not otherwise entitled.
- In consultation with the Director of Finance and the Director of Legal and Democratic Services, authorising payments for employees in cases of early retirement, voluntary redundancy and compulsory redundancy.
- Authorising the creation of additional temporary posts where budgetary provision exists, following formal evaluation of posts.
- Paying compensation to employees for pain and suffering incurred by them as a result of assault and or harassment and/attacked by animals whilst undertaking their duties and responsibilities.
- Authorising the payment of injury allowances.

4.2 Approval of special severance payments:

- a) a delegation to the Managing Director (as Head of Paid Service) with the approval of the Leader (as Chairman of the Appointments and Conditions of Service Committee) to approve any Special Severance Payment on termination of employment between £20,000 and £100,000 in consultation with the s151 officer and Monitoring Officer;
- b) authority for the Monitoring Officer with the agreement of the s151 officer to approve any Special Severance Payment on termination of employment between £20,000 and £100,000 where the Head of Paid Service is unable to act;
- c) authority for the Vice-Chairman of the Appointments and Conditions of Service Committee to approve any Special Severance Payment on termination of employment between £20,000 and £100,000 where the Leader is unable to act.

A5 Sub-delegation: This Scheme includes the power for officers to further delegate any function which has been delegated to them under this scheme, to another officer or to other officers. Every such sub-delegation shall be in writing, setting out the name of the delegate, the terms and conditions upon which that function is to be performed, and accountability for the performance of the sub-delegated function. The officer making such sub-delegation shall record the sub-delegation in a register maintained for the purpose by the Director of Legal and Democratic Services (Monitoring Officer).

PART B

B1 Delegations to the Managing Director, Executive Directors and Directors do not include:-

- (a) any matter reserved to the full Council;
- (b) any matter which by law may not be delegated to an officer;
- (c) any matter reserved to the Cabinet or a Committee;
- (d) any matter which constitutes a key decision except as provided for in Article 7.3(c).

B2 The exercise of delegated powers by the Managing Director, an Executive Director or Director shall:-

- (a) be in accordance with the policies and plans of the County Council and their decisions from time to time,
- (b) be in accordance with the County Council's Constitution; and
- (c) not be outside the powers and duties conferred on the Council by law.

B3 The Managing Director, Executive Directors and Directors may exercise delegated powers provided that where there are policy or political issues, this is in consultation with the Cabinet Member holding the appropriate portfolio in the Cabinet for powers which are the responsibility of Cabinet and in consultation with the Chairman of the appropriate committee for powers which are the responsibility of any committee. Within that consultation, consideration should be given to whether it would be appropriate to consult any other Member or other person prior to exercising any delegated power.

B4 In exercising delegated powers it is the duty of an officer to whom the exercise of powers is delegated to consult such other officers, Director of Finance and Director of Legal and Democratic Services as may be appropriate in the circumstances and to have regard to any advice given.

B5 In respect of any matter where an officer proposes to exercise delegated powers where there is doubt as to whether the proposed exercise is contrary to the policy framework or contrary to or not wholly in accordance with the budget then the advice of the Director of Finance and the Director of Legal and Democratic Services must first be sought.

B6 Any delegation under Part A of this document is subject to any more specific provision relating to a delegation to the Managing Director, a particular Executive Director or Director under Part C of this document.

SPECIFIC POWERS DELEGATED TO THE MANAGING DIRECTOR, EXECUTIVE DIRECTORS OR DIRECTORS IN THE DISCHARGE OF THE FUNCTIONS OF THE COUNTY COUNCIL

PART C – INDEX

- Managing Director
- Executive Director Corporate Services & Transformation
- Director of Legal & Democratic Services (Monitoring Officer)
- Director of Finance (Chief Finance Officer)
- Director of People & Organisational Change
- Director of Property
- Director of Communities

- Executive Director – Children’s Services

- Executive Director – Adult Social Care & Health
- Director of Public Health

- Executive Director – Place
- Chief Planning Officer

SPECIFIC DELEGATIONS TO THE MANAGING DIRECTOR AND EXECUTIVE DIRECTORS

Notwithstanding any other provision of this constitution, the Managing Director and Executive Directors shall have power, after discussion, if practicable, with the leader of the Council or the relevant Cabinet Member or Chairman, to take such action deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the time scales involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee.

SPECIFIC DELEGATIONS

MANAGING DIRECTOR

1. To be designated as the Head of Paid Service, and where he or she considers it appropriate to do so in respect of any proposals of his or hers with respect to any of the matters specified below, to prepare a report to the authority setting out his or her proposals.

Those matters are –

- (a) The manner in which the discharge by the authority of their different functions is co-ordinated;
- (b) The number and grades of staff required by the authority for the discharge of their functions;
- (c) The organisation of the authority’s staff; and
- (d) The appointment and proper management of the authority’s staff.

- 2 Where any Executive Director of the Council, the Monitoring Officer or the Chief Financial Officer is absent from the workplace for a period of time that requires others to exercise delegated authority in that officer's absence, the Managing Director shall undertake, allocate or re-allocate responsibility for exercising particular delegations to any officer of the council in the interests of effective corporate management as he or she thinks fit, save for that the Head of Paid Service cannot substitute for the Monitoring Officer, and can only substitute for the Chief Financial Officer if they are a fully qualified member of one of the six accountancy bodies that constitute the Consultative Council of Accountancy Bodies (CCAB).
- 3 To ensure that the Council discharges its functions and meets the obligations and requirements under the terms of the Counter Terrorism and Security Act 2015, including the duty to ensure that a Chanel Panel is in place for the Derbyshire area, together with the making of appropriate arrangements for a designated chair and vice-chair.

Director of Legal and Democratic Services

1. To be the County Council's solicitor and Chief Legal Officer and in that capacity to take all necessary steps, including the obtaining of Counsel's advice in connection with any matter concerning the County Council.
2. To be the Proper Officer for any purpose for which the County Council has not designated another officer to be Proper Officer.

To maintain the Registers of:

- i. The financial and other interests of Members and co-opted members of the County Council as required by the Local Government Act 2000.
 - ii. Officers' declarations of interest in contracts and other pecuniary interests.
 - iii. Any other matter relating to the interests of Members and co-opted members which the County Council may from time to time establish.
3. In special circumstances, to approve attendance by Members at conferences and other events for the purposes of Members' Allowances.
4. To prosecute, withdraw, defend, compromise, settle, appeal and appear in proceedings, or compromise or settle proceedings or potential proceedings on behalf of the County Council in any court of law, whether criminal or civil, tribunal, inquiry, chamber or other hearing or before any Judge, Registrar, Recorder, Magistrate, Coroner, Inspector, Arbitrator, Mediator, or expert.
5. To designate officers of the County Council as being authorised under Section 223 of the Local Government Act 1972 to institute, prosecute, defend or appear on the County Council's behalf in proceedings before a Magistrates' Court and to conduct such proceedings notwithstanding that the officer concerned may not be a solicitor holding a current practising certificate.

6. To appoint, in writing, in pursuance of Section 60 of the County Courts Act 1984 (as amended) officers of the County Council to address or appear before the District Judge in the County Court in proceedings which relate to the recovery of possession of a property belonging to the County Council and for the recovery of rent, mesne profits, damages or other sums claimed by the County Council in respect of the occupation by any person of such property.
7. To establish and service a Complaints Review Panel comprising three independent persons (ie not Elected Members) with expert knowledge of Social Services to consider complaints under the terms of the National Health Service and Community Care Act 1989 which Panel is to make recommendations to the County Council on the course of action to be taken about any such complaint.
8. To make arrangements for dealing with the following kinds of appeal under the Schools Standards and Framework Act 1998:
 - Admission Appeals
 - Appeals against exclusion
 - Appeals by Governing Bodies
9. To be the Proper Officer and the County Council's Returning Officer for the purpose of the election of County Councillors and to undertake all the duties of those officers pursuant to the Representation of the People Act 1983 and the Local Government Act 1972.
10. To give public notice of any vacancy in the office of Councillor pursuant to Sections 86 and 87 of the Local Government Act 1972.
11. To act as the Proper Officer for the Council's Registration Service, including:
 - (a) To approve premises for the solemnization of marriages.
 - (b) To carry out the County Council's duties under the Marriage Acts 1949 and 1994 (other than those relating to fees and final appeals)
 - (c) To set such fees as are appropriate for ensuring full costs recovery to the County Council in respect of civil marriage ceremonies on local authority approved premises.
12. To authorise, subject to consultation with the Chairman of the Safety of Sports Grounds Panel:-
 - (a) an application to a Court under the Safety of Sports Grounds Act 1975 to prohibit or restrict the admission of spectators;
 - (b) the issue of a Prohibition Notice under the Fire Safety and Safety of Places of Sport Act 1987 when the risk to spectators at a ground is so great that until steps have been taken to reduce it to a reasonable level, the admission of spectators ought to be restricted or prohibited.
 - (c) the service of a Preliminary Notice to Enforce Safety at Outdoor Sports Grounds where it is confirmed that a stand provides cover for more than 500 people.

13. To make technical amendments to safety certificates.

14. In consultation with the Chairman of the Regulatory Planning Committee to decide the final form of the conditions which the County Council would wish to be attached to, and the framework of, any Section 106 Agreement, if the Secretary of State was minded to grant permission for a particular development following an appeal in relation thereto.
15. In consultation with the Executive Director - Place to enter into agreements for the execution of highways works under the Highways Act 1980.
16. To carry out the functions of the Council in relation to commons and town and village greens and in particular:
 - (a) To determine applications to register land as a town and village green.
 - (b) To determine applications to amend the registers of common land and town and village greens.
17. Under section 53 of the Wildlife and Countryside Act 1981:
 - (a) determine whether or not to make Definitive Map Modification Orders (DMMOs) except where the Director of Legal & Democratic Services considers that the case is one which should be determined by the Regulatory, Planning Committee.
 - (b) where opposed DMMOs are to be decided by an Inspector acting on behalf of the Secretary of State, either at a hearing or public inquiry, authorise the stance to be taken by officers.
18. To undertake any revisions or amendments to the Constitution required as a consequence of amendments or variations to legislation, or the implementation of new legislation. Such amendments to be retrospectively approved by Council.
19. To give effect to the wishes of Political Groups on appointments and revocation of appointments to relevant bodies.
20. To appoint and revoke appointments to the Independent Appeals Panel.
21. To make arrangements for appeals against School exclusion or admission decisions.
22. To maintain a central record of all delegations under this scheme and make this available for public inspection.
23. To maintain a central record of all delegations under this scheme and make this available for public inspection pursuant to Section 100G Local Government Act 1972.

Head of Democratic and Registration Services

1. To act as the authorised/proper officer for the following matters:-
 - (a) Secretary to the Independent Remuneration Panel for Members' Allowances and

(b) Chief Scrutiny Officer.

Director of Finance

1. To be the Council's Chief Finance Officer under Section 151 of the Local Government Act 1972. This means the Director of Finance is responsible for determining the way the Council administers its financial systems and processes.
2. To carry out all Treasury Management activities within the Treasury Management Policy Statement and Annual Treasury Management Strategy approved from time to time by the Executive and in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities and the raising of loans and the issuing of County Council bills in the case of emergency.
3. To take and implement any decision which he or she is empowered to take in accordance with Financial Regulations including the Standing Orders relating to Contracts
4. Responsibility for day-to-day management of the Local Government Pension Scheme Fund investments in accordance with the investment strategy determined by the Pensions and Investment Committee.
5. In respect of pensions
 - (a) Commutation of a pension to a lump sum where ill-health retirees have a life expectancy of less than 12 months.
 - (b) Following consultation with the Chairman of the Pensions and Investment Committee, the following decisions relating to individual Scheme Members:-
 - (i) Recovery of pension overpayment.
 - (ii) Putting a deferred pension benefit into payment on compassionate grounds.
 - (iii) Determining co-habitation/ (v) extending the time limit for a decision to be made by a Scheme Member.
 - (c) In consultation with the Director of People and Organisational Change and the Director of Legal and Democratic Services, decisions in accordance with the Council's Discretion Policy made under the discretionary payments legislation.
 - (d) To ensure that the Council's Policy remains 'fit for purpose' in accordance with the discretionary payments legislation
6. To act as the Council's Deputy Senior Information Risk Officer (SIRO)
7. To undertake any revisions or amendments to the Financial Regulations including the Standing Orders relating to Contracts as required as a consequence of amendments or

variations to legislation, or the implementation of new legislation. Such amendments to be retrospectively approved by Council.

Assistant Director of Finance (Audit)

1. To act as the Council's Chief Audit Executive as required by the Public Sector Internal Audit Standards.
2. To develop a risk based plan of internal audit activity covering the Council's operations for approval by the Audit Committee.
3. To deliver an annual internal audit opinion and report which concludes on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control and informs the Annual Governance Statement.

Director Digital

1. To act as the Council's Senior Information Risk Officer (SIRO)
2. To be responsible, for the preparation, maintenance, monitoring, review and implementation of the County Council's Information Technology Strategy, which embraces the County Council's Information Security Policy.

Director of People and Organisational Change

1. To develop review and monitor personnel policy and standards across the Council.
2. To establish and maintain effective consultation and negotiation arrangements with recognised Trade Unions.
3. To develop, review and monitor Employment Policy in relation to Equality of Opportunity.
4. In conjunction with the Director of Finance, to annually review the amounts of compensation provided for in the Council's Employment Policies to make sure they remain at appropriate levels and in line with inflation.
5. To approve the implementation of grades resulting from the job evaluation process.
6. To approve changes to terms of conditions of employment where there is a cost of less than £100,000 in a financial year.

Director of Property

1. To take all necessary steps to secure the cessation of any unauthorised use or occupation of

the County Council's land and property assets.

2. To submit all planning and planning related applications, including those for the County Council's own operational development and highway schemes; for the disposal of surplus land/property; for Conservation Area consent; and for Listed Building consent.
3. In consultation with the appropriate Executive Directors to accept, grant, surrender or review any interests and rights over the Council's existing land and premises as may be deemed necessary or appropriate, subject to the value of the interest not exceeding £100,000. A schedule of such transactions will be maintained and reported quarterly to the Cabinet Member for Corporate Services & Budget.
4. In consultation with appropriate Executive Directors or Directors to acquire or dispose of interests in land or property as may be deemed appropriate, subject to the value of the interest not exceeding £500,000. A schedule of such transactions will be maintained and reported quarterly to the Cabinet Member for Corporate Services & Budget.
5. In consultation with appropriate Executive Directors or Directors to accept an auction offer of within 10% of the reserve price on the day of the auction from the auctioneer if the proposed disposal does not reach its reserve.
6. In consultation with the appropriate Executive Directors or Directors to agree payments or compensation up to a value of £100,000 due to landowners in respect of creation agreements, creation orders or compulsory purchase orders.

EXECUTIVE DIRECTOR – CHILDREN'S SERVICES

1. To carry out the functions of the Council as a Children's Services Authority and Local Education Authority, (or Local Authority in the context of children's social care matters and/or educational matters), including to be the Council's Director of Children's Services and undertake the functions required by Section 18 of the Children Act 2004, as amended from time to time.
2. To carry out the functions of the Council's Local Education Authority (or Local Authority in the context of educational matters) including the functions of the Council relating to education, child employment in the youth service but excluding functions relating to adult learning and further and higher education set out in Section 18 (3) of the Children Act 2004 (as amended from time to time).
3. To be responsible for the general duties under sections 13(1) and 13A of the Education Act 1996 (as amended from time to time).
4. To carry out the functions of the Council as local education authority in relation to adult/family learning and further and higher education including the functions set out in section 18(3) of the Children Act 2004 (as amended from time to time).

5. To undertake all the powers and duties of the County Council as an Adoption Agency having regard to the recommendations of the adoption panel and to approve the charge for home study assessments for inter country adoptions in accordance with the policy agreed by Cabinet, and to appoint the members (except for the appointment of any members who are

County Councillors) of the adoption and permanence panels in accordance with the Adoption Regulations 2011 or as amended from time to time.

6. To carry out the functions of the Council under the NHS Act 2006 and any other health legislation (as amended or replaced from time to time) to enter into arrangements with the NHS or other bodies for the exercise of the NHS or health functions or health related Council functions so far as those functions relate to children).
7. To carry out the functions of the Council under Section 23(C) to 24(D) of the Children Act 1989 and the Children and Social Work Act 2017 (as amended from time to time) in relation to aftercare arrangements etc.
8. To carry out the functions of the Council under Sections 10 to 13 and 17(A) of the Children Act 2004 (as amended from time to time) in relation to arrangements to safeguard and promote the welfare of children and young person's plans.
9. To carry out the functions of the Council in relation to Early Help/Sure Start and the Childcare Act 2006.
10. To carry out the functions of the Council in relation to youth offending services.
11. To be responsible for the development of corporate parenting.
12. To ensure the sufficiency of the child protection service and to promote and participate fully within multi-agency safeguarding arrangements to ensure that children within the Council's area are adequately safeguarded and protected.
13. To ensure the effectiveness of the Multi Agency Safeguarding Arrangements within Derbyshire in accordance with the Children and Social Work Act 2017 and Working Together to Safeguard Children 2018.'
14. To undertake statutory visits to children's homes and to make permanent or temporary variations in the approved number of places at any children services establishments.
15. To enforce, make applications and representations to a Court or Magistrate and authorise, institute and defend proceedings under any enactment which stand referred to the Cabinet, in consultation with the Director of Legal and Democratic Services.
16. To grant licences and to approve bodies of persons to enable children to take part in public performances under Section 37 of the Children and Young Persons Act 1963.
17. To respond to alcohol licensing applications to highlight any concerns in relation to child safety.
18. To institute, intervene, or defend, on a County Council's behalf, wardship proceedings and to appear on the Council's behalf on any wardship proceedings involving the County Council in consultation with the Director of Legal and Democratic Services.

19. To approve the utilisation of funds received under Section 106 of the Town and Country Planning Act 1990 to the project named in the relevant Section 106 agreement, up to a maximum value of £150,000 per Section 106 agreement. A schedule of such expenditure will be maintained and reported quarterly to the Cabinet Member for Education.

EXECUTIVE DIRECTOR – ADULT SOCIAL CARE AND HEALTH

1. To exercise the functions of the Council with regard to, powers and duties of an Adult Services Authority under all relevant legislation including, but not limited to social services, safeguarding adults, Mental Health services including the deprivation of liberty and Health functions.
2. To exercise all the powers and duties of the County Council in accordance with general policies from time to time laid down by the Cabinet for the administration of any arrangements made under relevant legislation with respect to services for adults including people with disabilities.
3. To make permanent or temporary variations in the approved number of places at any Adult Social Care establishment.
4. Where litigation is conducted in Court with respect to those who are aged 18 and over, instructions are provided in the name of the Executive Director for Adult Social Care and Health.
5. Where a Director from Adult Care and Health is absent from the workplace for a period of time that requires others to exercise delegated authority in that officer's absence, the Executive Director for Adult Social Care and Health shall undertake, allocate or re-allocate responsibility for exercising particular delegations to any officer of the council in the interests of effective corporate management as he or she thinks fit.

Director – Public Health

1. To undertake such statutory responsibilities as may be required by legislation or delegated to the authority or the Director by the Secretary of State from time to time.
2. To commission public health services on behalf of the Secretary of State and on behalf of the Council to address local Public Health challenges identified through the Public Health Outcomes Framework and tackle local priorities as set out in the joint Health and Wellbeing Strategy for Derbyshire.
3. To provide public health and population healthcare advice to NHS Commissioners and Providers. Contribute to and influence the work of NHS commissioners, ensuring a whole system approach across the public sector.

4. To authorise Consultants in Communicable Disease Control of Public Health England and/or their deputies to act on behalf of the Council as Proper Officer in the exercise of statutory functions relating to the control of infections and other disease and foodpoisoning.
5. To authorise allowances to persons excluded from work because of notifiable disease.
6. Lead the Council's development of the Local assessment of health and care needs. This to be done in partnership with local NHS Organisations and Clinical Commissioning Groups with a shared statutory duty to develop and deliver the JSNA for their defined population.
7. To authorise the reimbursement of the cost of stop smoking pharmacotherapy products available on prescription only in accordance with the allocated budget.

EXECUTIVE DIRECTOR – PLACE

- 1 To refer to the Secretary of State for the Environment any district council's proposal for its own development which would be detrimental to the County Council's interests or which would be contrary to the County Council's views.
- 2 (a) To determine applications to fell or prune trees covered by a County Council Tree Preservation Order.
(b) To serve notice requiring a landowner to plant trees within a given timeframe where Tree Preservation Order conditions are in force in accordance with section 207 of the Town and Country Planning Act 1990.
- 3 In conjunction with the Director of Legal & Democratic Services to create footpaths and bridleways by agreement under the Highways Act 1980 and Town and Country Planning Act 1990 provided the proposal is supported by the local member, no objections are received and any payments to be made have been agreed by the Director of Property Services
- 4 In conjunction with the Director of Legal & Democratic Services to investigate, make and confirm (or decline) public path extinguishment orders, public path diversion orders and public path creation orders under the Highways Act 1980 and Town and Country Planning Act 1990 provided the proposal is supported by the local member and there are no objections.
- 5 To make up new footpaths, bridleways and restricted byways pursuant to section 27 of the Highways Act 1980
- 6 To authorise service of a notice that the highway is out of repair on persons alleged to be responsible for maintaining a highway pursuant to s56(1) Highways Act 1980
- 7 To authorise the service of a notice pursuant to sections 56(2) and 56 (4) of the Highways Act 1980 in response to a notice served by a complainant under Section 56(1).

- 8 To exercise default powers in respect of non-repair of privately maintainable highways under section 57 Highways Act 1980.
- 9 To apply to the Magistrates Court to stop up or divert a highway under sections 116 and 117 of the Highways Act 1980 provided the local member has been consulted and has not objected to the proposals.
- 10 To carry out temporary diversions under sections 122, 135 and 135A of the Highways Act 1980.
- 11 To authorise the erection of stiles etc. under s147 of the Highways Act 1980.
- 12 To enter into agreements relating to improvements for the benefit of persons with mobility problems under section 147ZA of the Highways Act 1980.
- 13 To serve notices and authorise all consequential action arising therefrom under Part IX of the Highways Act 1980 and the Rights of Way Act 1990 in order to assert and protect the rights of the public to the use and enjoyment of any public right of way.
- 14 (a) To carry out the duties of the County Council to assert and protect the rights of the public to the use and enjoyment of public rights of way under Section 130 of the Highways Act 1980 including the power to bring proceedings in the Magistrates' Court.

(b) To carry out the duties of the County Council under the Rights of Way Act 1990.
- 15 To serve notice on persons pursuant to Section 130A(6) of the Highways Act 1980
- 16 To apply for a variation of an Order made under Section 130B of the Highways Act 1980.
- 17 (a) To make temporary closure orders for public paths under Section 14 of the Road Traffic Regulation Act 1984 because of works on, or near, the path or because of the likelihood of danger or damage.

(b) To impose revised orders for public paths under Section 14 of the Road Traffic Regulation Act 1984 because of works on, or near, the path or because of the likelihood of danger or damage following notification to the Local Member.

(c) To rescind temporary closure orders imposed under Section 14 of the Road Traffic Regulation Act 1984 following notification to the Local Member.
- 18 To keep the register of information with respect to maps, statements and declarations deposited with the County Council under Section 31(6) of the Highways Act 1980.
- 19 To keep the register with respect to applications under Section 188ZA, 118C, 119ZA and 119C of the Highways Act 1980.
- 20 To keep the register of prescribed information with respect to applications under Section 53(5) of the Wildlife and Countryside Act 1981.
- 21 To enter into agreements with respect to means of access to any access land under Section 35 of the Countryside and Rights of Way Act 2000.

- 22 To designate a footpath as a cycle track under the Cycle Tracks Act 1984.
- 23 (a) To authorise the Peak District National Park Authority to discharge the County Council's functions, as contained in the Countryside Act 1968 in relation to sites.
(b) To authorise other bodies to erect signposts and waymarks on public paths pursuant to s27 (5) of the Countryside Act 1968.
- 24 In relation to highways to exercise the following powers and duties under the Highways Act 1980:-
- (a) to assert and protect the rights of the public to the use and enjoyment of highways under Section 130 of the Highways Act 1980.
- (b) To issue, revoke, amend, suspend or otherwise vary licences, notices and consents and grant permissions relating to the street scene environment
- (c) To exercise all powers of enforcement (including but not limited to the service of notices, carrying out of works, recovery of costs and court proceedings) with respect to statutory duties and powers under the Highways Act 1980;
- (d) To administer the Advance Payments Code;
- (e) to determine the amount of any deposit or security required in respect of buildings having a frontage to a new state or private street in accordance with Section 219 and 220 including supervision and legal charges in the case of Section 38 and Section 278 Agreements and Bonds.
- (f) In conjunction with the Director of Legal and Democratic Services to make and enter into agreements for the creation, maintenance, improvement and adoption of highways (including bridges).
- (g) To approve the adoption of privately maintainable highways or streets under Sections 37, 38 and 228 of the Highways Act 1980 so that the highways or streets become maintainable by the Council at public expense.
- (gg) Subject to paragraph (f) above to enter into agreements under Section 278 of the Highways Act 1980 for the execution of highways works.
- (h) To carry out highway drainage works
- (i) to undertake works by, or on behalf of, other persons under Section 296 Highways Act 1980
- (j) To revoke prescribed improvement lines and prescribed building lines under sections 73 and 74 of the Highways Act 1980

- 25 To approve the rescinding of New Street Orders made under section 159 of the Highways Act 1959
- 26 To carry out the functions of the Council as a street or streetworks authority including the grant of street works licences under the New Roads and Street Works Act 1991.
- 27 After seeking the views in each case of the local member(s) of the County Council affected thereby and the relevant district council and parish council, and provided the local member(s) of the County Council so consulted do not object thereto, to exercise the powers and duties of the County Council under Sections 90A and 90I of the Highways Act 1980 (road Humps and other Traffic Calming Works); and under the Road Traffic Regulation Act 1984 (as amended) in respect of the following matters:-
 - (a) Traffic Regulation Orders (Part I of Act)
 - (b) Experimental traffic schemes (Part I of Act)
 - (c) Speed limits (Part VI of Act)
 - (d) Administrative and other powers and duties for the purposes of items (a) to (h) above (Parts IX and X of Act)
- 28 To exercise the powers and duties of the County Council under the Road Traffic Regulation Act 1984 (as amended) that are not dealt with by DES25 above:-
 - (a) Temporary prohibitions and restrictions on roads (Part II of Act)
 - (b) Provision of crossings and playgrounds (Part III of Act)
 - (c) Provision of off-street parking (Part IV of Act)
 - (d) Provision of placing of traffic signs (Part V of Act)
 - (e) Placing of bollards and other obstructions (Part VII of Act)
 - (f) Administrative and other powers and duties for the purposes of items (a) to (e) above (Parts IX and X of Act)
- 29 In consultation with the Chief Constable, Chief Fire Officers and other representatives of organisations concerned with road safety, to maintain, monitor, review and implement a road safety strategy within the County Council's road safety policies.
- 30 To take and implement any decision necessary to fulfil the obligations of the County Council pursuant to, and in accordance with, a Service Level Agreement relating to the Council's participation in the Derby and Derbyshire Road Safety Partnership including approving the annual operational plan for the scheme.
- 31 To approve district councils' applications for orders to amend charges for parking places in accordance with the powers contained in Section 35 of the Road Traffic Regulations Act 1984.
- 32 To take action on behalf of the County Council, after consultation where appropriate with district councils, under Sections 5 (traffic signs), 6 (damage to footways), 7 (plans of new streets), 8 (vesting of former highway land) and 10 (grass verges etc) of the Derbyshire Act 1981.

- 33 To deal with individual cases where an altered highway produces a significant and obvious hardship either by the alteration directly or by a substantial increase in traffic which has been triggered by the alteration and where the total cost of providing discretionary noise insulation does not exceed the current cost of £5,000 per scheme (index linked in subsequent years by the national GDP).
- 34 In consultation with the appropriate Cabinet Member, to award grants.
- 35 To accept grants up to £50,000 in respect of projects undertaken by the - PlaceDepartment.
- 36 To respond to consultations received relating to applications to stop up or divert sections of highway under sections 247 and 251 of the Town and Country Planning Act 1990 where it is necessary for the purpose of enabling a development to be carried out in accordance with planning permission or as specified by a government department.
- 37 To discharge the responsibilities of the County Council as lead local flood authority under the Flood and Water Management Act 2010
- 38 To discharge all powers of enforcement with respect to the statutory duties and powers under the Land Drainage Act 199140 To liaise with district and borough councils in connection with any aspect of flood management which has been delegated to such councils by the County Council and to ensure the effective discharge of such delegated functions
- 39 To carry out the functions of the Council in relation to emergency preparedness, resilience and response, including the Civil Contingency Act 2004 and to invoke powers under the Public Order Act 1986 to ensure the protection of the Local Authority's land and assets.
- 40 To discharge the County Council's functions under section 17 of the Crime and Disorder Act 1998 to prevent crime and disorder.
- 41 To authorise the sharing of council information in accordance with section 115 of the Crime and Disorder Act.
- 42 To select, acquire and as necessary discard all books and other printed material, recordings, films, pictures and other libraries and archive material.
- 43 To collaborate with other libraries and organisations in:-
- 44 To dispose of surplus or used library materials.
 - (i) inter-lending of books and other library materials.
 - (ii) reciprocal use of services by non-residents.
 - (iii) the acquisition and storage of books and other libraries and archive materials.
- 45 To waive or reduce libraries and heritage charges where the director considers that the

circumstances are such that full payment of the charges would cause particular hardship or otherwise be inappropriate.

- 46 To ensure compliance with the Museum Association Code of Ethics.
- 47 To permit copying, reproduction and publication of council copyrighted material held in archive, library and museum collections.
- 48 To licence the use of library, archive and museum materials by third parties.
- 49 To approve policies and procedures required for archive and museum accreditation and keep fit for purpose.
- 50 To be an authorised officer for the purposes of the Regulation and Investigatory Powers Act.

Head of Trading Standards

- 1 To undertake enforcement and administrative duties under the legislation detailed in the list at Appendix A. Together with:
 - (a) any Orders or Regulations made there under relating to any of the foregoing or having effect by virtue of the European Communities Act 1972 or the European Union (Withdrawal) Act 2018;
 - (b) any offence under any legislation or at common law, which is of a similar nature or related to the foregoing, including offences of aiding, abetting, counselling and procuring, incitement, conspiracy, perverting the course of justice and criminal attempts; and
 - (c) any modification or re-enactment to the foregoing.

Specific Delegations to the Head of Planning Services

- 1 To determine applications for:
 - (a) planning permission for County Matter development;
 - (b) planning permission for development which the Authority itself proposes to carry out; and
 - (c) for replacement conditions to regulate permissions for existing Mineral Working Sites as provided for in the Environment Act 1995 at Schedule 13 (initial review) and Schedule 14 (periodic review), where the proposal under the application is considered by the Head of Planning Services to be (1) in accordance with the Development Plan and any relevant supplementary planning documents and emerging Development Plan policy (2) unaffected by any significant objection* to the application.

* In this specific delegation “significant objection” means: an objection, which is on at least one relevant planning ground which is not capable of being overcome by amendment and/or the imposition of appropriate conditions and/or planning obligations.

- 2 To determine submissions made under the provisions of the Town and Country Planning

(General Permitted Development) (England) Order 2015 (GPDO).

- 3 To make directions under Article 5 of the GPDO (which require an application for planning permission in respect of certain types of proposal for mineral exploration preparation for mineral exploration and removal of material from mineral working deposits which would otherwise be permitted by Article 3 of the GPDO, and which may be made where a mineral planning authority is satisfied, because one or more of several criteria as detailed in Article 5 apply to the case, that it is expedient that the development proposed or any part of it should not be carried out unless permission for it is granted on an application).
- 4 To determine applications for Hazardous Substances Consent.
- 5 To determine applications for Certificates of Lawful Use or Development under Sections 191 and 192 of the Town and Country Planning Act 1990.
- 6 To produce Screening Opinions and Scoping Opinions as provided by the Environmental Impact Assessment Regulations for England.
- 7 To carry out assessments in accordance with the Habitats Directive of impacts of development proposals to be determined by the Council on protected wild species and designated habitats.
- 8 To agree to requests for extensions of time for the submission of a Scheme of Conditions under the Schedule 13 of the Environment Act 1995.
- 9 As provided by Schedule 14 of the Environment Act 1995 as amended, to exercise power to require conditions review applications to be made for existing Mineral Working Sites, to agree and all relevant incidental powers under the schedule to extend the review period and agree to postponement of final dates for mineral review applications.
- 10 To authorise completion of agreements with landowners and interested parties pursuant to Sections 106 and 106A of the Town and Country Planning Act 1990 which provide and / or amend planning obligations where any decisions on behalf of the Council for granting planning permission or any other type of planning consent or any planning appeal proceedings require such obligations to be entered into or amended.
- 11 To determine submissions (including submissions for approval of reserved matters and submissions for variations to be approved) made as a requirement of a condition to which a planning permission is subject or any planning obligation, except where:
 - (a) the Regulatory – Planning Committee when authorising the grant of permission to which the condition or obligation relates specified that the submission must be determined by the Committee
 - (b) in a case where a district or parish council or local Member has been consulted and has responded with a significant objection on planning grounds to the submission
 - (c) in the view of the Head of Planning Services the submission whilst not falling within (a) or (b) above has raised considerable public concern or issues which it is proper for the Regulatory – Planning Committee to be aware of before the submission is determined.

- 12 To determine any application for non-material amendment in respect of an existing planning permission.
- 13 To approve attendance by officers at meetings with district councils, parish councils or at public meetings in connection with the development control functions of the Authority.
- 14 To make submissions in relation to any appeals against decisions by the Authority to refuse permission or against conditions imposed by the Authority in granting permissions, and to arrange for appropriate officers or external experts to give evidence at public inquiries or hearings in relation to any such appeals.
- 15 To authorise the issue of Enforcement Notices, Stop Notices, Temporary Stop Notices and Breach of Condition Notices.
- 16 To apply for injunctions to prevent or restrain breaches of planning control.
- 17 To give observations on behalf of the County Council in response to district councils, adjoining authorities, the Peak District National Park Authority, the National Infrastructure Commission, Government Departments / Agencies and statutory undertakers/public utilities in response to consultations on planning, planning-related applications and related matters including consultations on emerging Local Plans, unless the observations would represent a material departure from a policy of the County Council, a Minerals Local Plan, Waste Local Plan or other Development Plan Document, or any other planning policy for which the County Council is responsible (either alone or jointly).
- 18 To request the Secretary of State to consider "calling-in" any application for planning permission to another local planning authority which would be detrimental to the County Council's interests or would represent a material departure from a Local Plan, or other Development Plan Document, or any other planning policy.

Appendix A

List of Legislation as at 30 June 2022

Part 1

Authorisation for officers enforcing legislation generally.

Agriculture (Miscellaneous Provisions) Act 1968
Air Quality (Domestic Solid Fuels Standards)(England) Regulations 2020
Animal Health Act 1981
Animal Welfare Act 2006
Animals Act 1971
Anti-social Behaviour Act 2003
Birmingham Commonwealth Games Act 2020
Botulinum Toxin and Cosmetic Fillers (Children) Act 2021
Brucellosis (England) Order 2015
Cancer Act 1939
Children and Families Act 2014
Children and Young Persons (Protection from Tobacco) Act 1991
Children and Young Persons Act 1933
Clean Air Act 1993 – Motor Fuel (Composition and Content), and Biofuel Labelling Regulations.
Companies Act 2006
Consumer Credit Act 1974
Consumer Protection Act 1987
Consumer Rights Act 2015
Copyright, Designs and Patents Act 1988
Criminal Justice Act 1988
Criminal Justice and Police Act 2001
Customs & Excise Management Act 1979
Education Reform Act 1988
Energy Efficiency (Private Rented Property)(England and Wales) Regulations 2015
Enterprise Act 2002
Environmental Protection (Microbeads)(England) Regulations 2017
Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020
Estate Agents Act 1979
European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders under which this local authority has an enforcement duty:
 Advanced Television Services Regulations 2003
 African Horse Sickness (England) Regulations 2012
 Animal By-Products(Enforcement)(England) Regulations 2013
 Avian influenza (Preventative Measures)(England) Regulations 2006
 Avian Influenza (Vaccination)(England) Regulations 2006
 Beef and Veal Labelling Regulations 2010
 Biofuel Labelling Regulations 2004
 Bluetongue Regulations 2008
 Business Protection from Misleading Marketing Regulations 2008
 Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008
 Cattle Identification Regulations 2007
 Construction Products Regulations 2013
 Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013
 Consumer Protection from Unfair Trading Regulations 2008
 Consumer Rights (Payment Surcharges) Regulations 2012
 Cosmetic Products Enforcement Regulations 2013 and the EU Cosmetic Products Regulation 1223/2009
 Crystal Glass (Descriptions) Regulations 1973

Diseases of Swine Regulations 2014
EC Fertilisers (England and Wales) Regulations 2006
Eggs and Chicks (England) Regulations 2009
Electrical Equipment (Safety) Regulations 2016
Electromagnetic Compatibility Regulations 2016
Energy Information Regulations 2011
Energy Performance of Buildings (England and Wales) Regulations 2012
Equine Identification (England) Regulations 2018
Financial Services (Distance Marketing) Regulations 2004
Fluorinated Greenhouse Gases Regulations 2015
Foot-and-Mouth Disease (Control of Vaccination)(England) Regulations 2006
Footwear (Indication of Composition) Labelling Regulations 1995
Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018
General Product Safety Regulations 2005
Package Travel and Linked Travel Arrangements Regulations 2018
Packaging (Essential Requirements) Regulations 2015
Passenger Car (Fuel Consumption and CO2 Emissions Information) Regulations 2001
Personal Protective Equipment (Enforcement) Regulations 2018
Pressure Equipment (Safety) Regulations 2016
Products of Animal Origin (Disease Control)(England) Regulations 2008
Pyrotechnic Articles (Safety) Regulations 2015
Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018
Radio Equipment Regulations 2017
REACH Enforcement Regulations 2008
Recreational Craft Regulations 2017
Registration of Establishments (Laying Hens)(England) Regulations 2003
Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013
Simple Pressure Vessels (Safety) Regulations 2016
Supply of Machinery (Safety) Regulations 2008
Textile Products (Labelling and Fibre Composition) Regulations 2012
Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010
Tobacco and Related Products Regulations 2016
Toys (Safety) Regulations 2011
Trade in Animals and Related Products Regulations 2011
Transmissible Spongiform Encephalopathies (England) Regulations 2018
Veterinary Medicines Regulations 2013
Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012
Welfare of Animals at Time of Killing (England) Regulations 2015
Zoonoses (Monitoring) (England) Regulations 2007

Fireworks Act 2003
Food (Promotion and Placement) (England) Regulations 2021
Fraud Act 2006
Hallmarking Act 1973
Health Act 2006
Knives Act 1997
Leasehold Reform (Ground Rent) Act 2022
Legal Services Act 2007
Licensing Act 2003
Medicines and Medical Devices Act 2021
Motor Cycle Noise Act 1987
Offensive Weapons Act 2019
Olympic Symbol etc. (Protection) Act 1995
Prices Act 1974

Protection of Animals Act 1911
Psychoactive Substances Act 2016
Registered Designs Act 1949
Road Traffic Acts 1988 and 1991
Road Traffic (Foreign Vehicles) Act 1972
Road Traffic Regulation Act 1984
Single Use Carrier Bags Charges (England) Order 2015
Tenant Fees Act 2019

and the Housing and Planning Act 2016 as it relates to Client Money Protection Schemes
Theft Act 1968
Tobacco Advertising and Promotion Act 2002
Trade Descriptions Act 1968
Trade Marks Act 1994
Unsolicited Goods and Services Acts 1971 and 1975
Video Recordings Act 1984
Vehicles (Crime) Act 2001

Part 2

Additional List of Legislation for officers with qualification/competency in: Food Law

European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders under which this local authority has an enforcement duty:

Animals and Animal Products (Examination for Residues and Maximum Residue Limits)(England and Scotland) Regulations 2015
Country of Origin of Certain Meats (England) Regulations 2015
Food for Specific Groups (Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula) (Information and Compositional Requirements) (Amendment etc.) (England) Regulations 2020
Food for Specific Groups (Information and Compositional Requirements)(England) Regulations 2016
Food Information Regulations 2014
Food Safety and Hygiene (England) Regulations 2013
Genetically Modified Organisms (Traceability and Labelling)(England) Regulations 2004
Materials and Articles in Contact with Food (England) Regulations 2012
Novel Foods (England) Regulations 2018
Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019 *in so far as it relates to food law*
Official Feed and Food Controls (England) Regulations 2009 *in so far as it relates to food law*
Olive Oil (Marketing Standards) Regulations 2014
Organic Products Regulations 2009
Poultrymeat (England) Regulations 2011
Quick-frozen Foodstuffs (England) Regulations 2007
Scotch Whisky Regulations 2009
Specified Products from China (Restrictions on First Placing on the Market)
(England) Regulations 2008
Spirit Drinks Regulations 2008
Wine Regulations 2011

Food Act 1984
Food (Promotion and Placement) (England) Regulations 2021
Food and Environment Protection Act 1985 [Note: Authorisation must be issued directly to the officer by the FSA.]
Food Safety Act 1990

Part 3

Additional List of Legislation for officers with qualification/competency in:

Feed Law

Agriculture Act 1970

Animal Feed (Composition, Marketing and Use)(England) Regulations 2015

Animal Feed (Hygiene, Sampling etc and Enforcement)(England) Regulations 2015

European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders under which this local authority has an enforcement duty:

Animal Feed (Basic Safety Standards) (England) Regulations 2019

Genetically Modified Organisms (Traceability and Labelling)(England) Regulations 2004

Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019 *in so far as it relates to feed law*

Official Feed and Food Controls (England) Regulations 2009 *in so far as it relates to feed law*

Part 4 Additional List of Legislation for officers with qualification in:

Weights and Measures Law

European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders under which this local authority has an enforcement duty:

Measuring Container Bottles (EEC Requirements) Regulations 1977

Measuring Instruments Regulations 2016

Non-automatic Weighing Instruments Regulations 2016

Weights & Measures (Packaged Goods) Regulations 2006

Weights and Measures Act 1985

Part 5

A separate authorisation is required under the Health and Safety at Work etc Act 1974 referring to the following:

i) Sections 20, 21, 22 and 25 of the 1974 Act;

ii) The following Regulations made under the 1974 Act:

The Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations 2003

The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013

The Chemicals (Hazard Information and Packaging for Supply) Regulations 2009

The Dangerous Substances and Explosive Atmospheres Regulations 2002,

The Explosives Regulations 2014,

The Petroleum (Consolidation) Regulations 2014, and

iii) The provisions of the following Acts mentioned in Schedule 1 to the 1974 Act:

Explosives Act 1875
Public Health Acts 1936 and 1961

