

This information is available free of charge in electronic, audio, Braille and large print versions, on request.

For assistance in understanding or reading this document or specific information about this Agenda or on the "Public Participation" initiative please call Democratic Services on 01629 761133 or e-mail committee@derbyshiredales.gov.uk

16 May 2018

To: All Councillors

As a Member of the **Council**, please treat this as your summons to attend the **Annual Meeting** of the Council on **Thursday 24 May 2018 at 6.00pm in the COUNCIL CHAMBER, TOWN HALL, MATLOCK.**

Yours sincerely

A handwritten signature in black ink, appearing to be 'Sandra Lamb', written over a horizontal line.

Sandra Lamb
Head of Corporate Services

AGENDA

DERBYSHIRE DALES FAIRTRADE: BID FOR DISTRICT STATUS - MAY 2018

The five Fairtrade towns (Ashbourne, Bakewell, Darley Dale, Matlock and Wirksworth) have now been working together for a number of years, with the support of Derbyshire Dales District Council, towards achieving district status for the Derbyshire Dales. The bid (consisting of 5 goals) is now ready for submission and as well as Steering Group members, the Chief Executive and Leader are requested to sign off the submission.

1. APOLOGIES

Please advise Democratic Services on 01629 761133 or e-mail committee@derbyshiredales.gov.uk of any apologies for absence.

2. ELECTION OF CHAIRMAN FOR THE YEAR 2018/2019

Proposal that a Member of the Council be elected Chairman.

3. APPOINTMENT OF VICE CHAIRMAN FOR THE YEAR 2018/2019

Proposal that a Member of the Council be appointed Vice Chairman.

4. ELECTION OF THE CHAIRMAN OF THE DISTRICT OF DERBYSHIRE DALES 2018/19

- a. Proposal that a Member of the Council be appointed to the position of Chairman of the District of Derbyshire Dales, with seconding and supporting speeches.
- b. Newly appointed Chairman of the District of Derbyshire Dales to take Declaration of Acceptance of Office.
- c. The Chairman will invest the newly appointed Chairman of the district of Derbyshire Dales with the Chain of Office.
- d. Speech in reply by the newly appointed Chairman of the District of Derbyshire Dales.
- e. The Chairman of the District of Derbyshire Dales will propose a vote of thanks to the retiring Chairman.

5. APPOINTMENT OF THE DEPUTY CHAIRMAN OF THE DISTRICT OF DERBYSHIRE DALES 2018/19

- a. Proposal that a Member of the Council be appointed Deputy Chairman of the District of Derbyshire Dales, with seconding and supporting speeches.
- b. Newly appointed Deputy Chairman to take Declaration of Acceptance of Office.
- c. The Chairman of the District of Derbyshire Dales will invest the newly appointed Deputy Chairman with the Chain of Office.

6. LEADER'S ANNOUNCEMENTS

To receive the announcements of the Leader of the Council.

7. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

12 April 2018, 30 April 2018 and 3 May 2018

8. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends. Interests that become apparent at a later stage in the proceedings may be declared at that time.

Page Nos.

9. COMMERCIAL BOARD

4 - 9

To receive a report on the Commercial Board's make-up, protocols and functions for incorporation into the Council's Constitution and consider approval of the Assessment Criteria to be used by the Board and Council when reviewing potential investment projects.

- | | |
|---|------------------|
| 10. RESPONSIBILITY FOR FUNCTIONS AND REVISIONS TO THE COUNCIL'S CONSTITUTION | 10 - 92 |
| <p>To consider approval of amendments to the Council's Constitution in terms of its decision-making structure and delegation to officers; Contract Standing Orders and Financial Regulations.</p> | |
| 11. APPOINTMENT TO COMMITTEES | 93 - 99 |
| <p>To appoint Members to serve on Committees of the Council and appointments to the role of Member Representative for the 2018/19 year.</p> | |
| 12. APPOINTMENT OF CHAIRMEN AND VICE CHAIRMEN TO COMMITTEES | 100 - 102 |
| <p>To appoint Chairmen and Vice Chairmen to Committees.</p> | |
| 13. APPOINTMENTS TO OUTSIDE BODIES | 103 - 106 |
| <p>To review the Council's affiliations with outside bodies and consider nominations to act as the Council's Representatives.</p> | |
| 14. ANNUAL REPORT OF THE AREA COMMUNITY FORUMS | 107 - 111 |
| <p>To receive the Annual report of the Area Community Forums.</p> | |
| 15. REVIEW OF ROLE OF MEMBER REPRESENTATIVE | 112 - 115 |
| <p>To receive a report on the findings of a review on the effectiveness of the Member Representative role, as part of the annual consideration of the District Council's governance and constitutional issues.</p> | |
| 16. ANNUAL REPORT OF THE MEMBER REPRESENTATIVES | 116 - 126 |
| <p>To receive the Annual Reports of the Member Representatives.</p> | |
| 17. APPOINTMENT OF CHIEF EXECUTIVE | 127 - 135 |
| <p>To consider the appointment of Paul Wilson to the role of Chief Executive, on the retirement of Dorcas Bunton, with effect from 1 June 2018.</p> | |
| 18. SEALING OF DOCUMENTS | |
| <p>To authorise that the Common Seal of the Council be affixed to those documents, if any, required completing transactions undertaken by Committees or by way of delegated authority to others, since the last meeting of the Council.</p> | |

NOTE

For further information about this Agenda or on "Public Participation" call 01629 761133 or e-mail committee@derbyshiredales.gov.uk

COUNCIL
24 MAY 2018

Report of the Chief Executive

COMMERCIAL BOARD

PURPOSE OF REPORT

This report details the Commercial Board's make-up, protocols and functions for incorporation into the Council's Constitution. It also proposes the Assessment Criteria to be used by the Board and Council when reviewing potential Investment Projects.

RECOMMENDATION

1. That Appendix 1 (attached) detailing the Board Make – up, Aims, Terms of Reference, Functions and Delegations to Officers be approved and incorporated into the Councils Constitution:
2. That the Assessment Criteria detailed in appendix 2 are approved.

WARDS AFFECTED

All

STRATEGIC LINK

The ability of the Council to deliver on its priorities and targets and deliver the services important to residents' well-being is dependent on the future financial viability of the Council and the work undertaken to secure that position.

1. INTRODUCTION

- 1.1 At the Council meeting on the 5th March 2018 a Working Group of Members was established as the forerunner to the creation of a more formal Members' Board as part of its overall governance arrangements as a means of pursuing a more commercial approach to its activities.
- 1.2 Council agreed the Working Group would report and make recommendations to the Annual meeting on the following three areas:-
 - The Board make-up and Terms of Reference.
 - Detailed assessment criteria for projects.
 - Discharge of functions to the Board and potential decisions to be delegated to Officers.

2. REPORT

- 2.1 Council on the 5 March 2018 agreed the following Membership to the Working Group, Councillors Catt, Fitzherbert, Flitter, M. Ratcliffe, Rose, Shirley and as proposed at that

meeting it is recommended that these Members now form the Commercial Board for the municipal year 2018/19. This is covered elsewhere on this agenda.

- 2.2 The Working Group proposes that Councillor Catt is appointed Chair of the Board with Councillor M. Ratcliffe as Vice Chair. This is covered elsewhere on this agenda.
- 2.3 The Working Group met on 9 May 2018 to discuss the terms and functions of the Board. These are detailed in Appendix 1 and are recommended for approval.
- 2.4 Additionally the Working Group also considered the detailed assessment criteria the Board and Council should consider when reviewing whether to take a commercial interest in a particular project. These are detailed in Appendix 2 and recommended for approval.

3. RISK ASSESSMENT

3.1 Legal

The Board will function as if it were a Committee of the Council and have functions discharged to it as permitted by Section 101 of the Local Government Act 19071. The Commercial Working Group will operate informally and in a non-decision making capacity which may enable the Group to operate more flexibly and prepare for open and transparent decision making at Board level.

3.2 Financial

In March the Council set a corporate target to save £1m by 2020/21 in order to achieve a balanced budget. The activities that the Commercial Board approves should increase Council income and help to deliver the savings required for a sustainable financial plan.

The financial risks of the commercial activities will be considered by the board as part of the assessment of each activity. The guiding principles and discharge of functions shown in Appendix 1 to this report, together with the assessment criteria for investment projects shown in Appendix 2, should mitigate some of the risks.

The financial risk of this report is assessed as low.

4. OTHER CONSIDERATIONS

In preparing this report the relevant of the following factors has also been considered; prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5. CONTACT INFORMATION

Dorcas Bunton- Chief Executive
Telephone : 01629 761126
Email : dorcas.bunton@derbyshiredales.gov.uk

6. BACKGROUND PAPERS

None.

7. ATTACHMENTS

Appendix 1 - Commercial Board.

Appendix 2 – Proposed Assessment Criteria for Investment Projects

THE COMMERCIAL BOARD

Board Make-Up

1. The Board will be made up of 6 Members, nominated at the Annual Council meeting each year on a politically proportional basis (currently 4:1:1).
2. The Board will be a Committee of the Council and report direct to Council.
3. There will be no substitutes allowed. This is to ensure continuity and relevant expertise.
4. The Board will meet four times a year on a scheduled basis but also as and when necessary in order to carry out business as required.
5. The Board may agree to meet informally as the working group in a non decision making capacity

The Board will be assisted in its deliberations by the Chief Executive, Corporate Director, the Head of Resources (S151), the Head of Corporate Services (Monitoring) and other expert Officers as appropriate. It will also link with the Place Hub, the Estates and Facilities Team (Asset Management Plan) and Transformation strategic group as the source of potential opportunities for commercial approaches.

Board Aims and Terms of Reference

The aim of the Board is to create additional revenue streams through pursuing projects that, in particular:-

- Grow the economy.
 - Create prosperous thriving communities.
 - Deliver transformation in services.
- } Corporate Plan

and also respond to the Primary Purpose and Guiding Principles of the Commercial Investment Strategy agreed at Council on 5th March 2018 as set out below.

Primary Purpose

To create additional revenue streams for the Council to enable the Council to sustain its long-term financial future enabling it to maintain its current services and add value to the communities of the Derbyshire Dales.

Guiding Principles

Investments must:-

- meet the Council's Corporate priorities;
- deliver community benefit;
- require minimum investment for maximum return;
- primarily be within the District boundaries, consideration being given to opportunities outside these boundaries if the benefit to the Council or Derbyshire Dales is significant;
- grow the business base;
- deliver a diversified portfolio of projects that balance risk and return.

The Board will have two main roles – (1) decision making under delegated authorities to be agreed and (2) an advisory function to Council.

Discharge of Functions

1. Continually review the Commercial Investment Strategy and advise Council on its relevance.
2. Act as the Initial Assessment Board and advise Council or appropriate Committee on projects to take forward, in accordance with the Scheme of Delegation.
3. Manage use of the Council's Investment Fund and determine or advise on allocations from it in accordance with the Scheme of Delegation.
4. To spend up to £150k in a single transaction for a project / feasibility study / pump priming (in accordance with assessment criteria) that delivers a return in accordance with the Commercial Strategy.
5. Keep under review the criteria to be used in determining projects to take forward, advising Council on any changes to be made.
6. Advise Council on the Scheme of Delegation and review as appropriate.
7. Prepare an Annual Report to Council on the work of the Board.
8. To explore the potential of the Council's Property and Asset Management Plan to ensure best use is being made of the Council's own resources in generating income.
9. To contribute to the development of a commercial culture throughout the Council.
10. To recommend to Council as appropriate any commercial opportunity models that may assist in the delivery of the Commercial Investment Strategy.
11. Keep under review the resources and skills required to deliver the Commercial Investment Strategy.
12. Work actively with staff to look at opportunities for income generation from existing or new services that could be delivered to the Derbyshire Dales' communities.

Delegation to Officers

1. Land Transactions – To approve the revision of rent and licence fees; to approve amendments to terms

PROPOSED ASSESSMENT CRITERIA FOR INVESTMENT PROJECTS

Overriding Requirement

- Any project to be considered for investment must be presented with a full Business Case and Risk Assessment.
- The Board can allocate funds (within Scheme of Delegation) for feasibility studies to help deliver a Business Case if the proposed project has the potential to deliver significant value to the Derbyshire Dales' community.

Proposed Criteria for Individual Projects (the Board may wish to prioritise / weight these)

1.	Council has necessary legal powers to support the project.
2.	Project / opportunities supports Council priorities and the main aim of the Board and Commercial Investment Strategy.
3.	Project / opportunity provides community benefit.
4.	Financial return and risk is balanced against social and economic return.
5.	Projects / opportunities arising outside Authority boundaries will be considered where rates of return justify the investment.
6.	Projects / opportunities make best use of Council assets / resources.
7.	Rates of return better than investing through Treasury Management processes.
8.	Invest to Save projects that lead to a reduction in costs in service delivery for the Council, e.g. introduction of new technologies.
9.	Priority given to investments that contribute to the growth of Council business rate income.
10.	Projects where it is considered that the relationship would have a negative impact on the Council will not be considered. Examples of specific exclusions – Projects linked with the promotion:- <input type="checkbox"/> Alcohol products where over 25% of those attending or using the services are under 18 <input type="checkbox"/> Tobacco products <input type="checkbox"/> Unhealthy food or unhealthy lifestyles <input type="checkbox"/> Weaponry <input type="checkbox"/> Gambling <input type="checkbox"/> Racism <input type="checkbox"/> Messages of a sexual nature <input type="checkbox"/> Political parties
11.	State Aid implications should be assessed before any investment in a project is agreed.

BACK TO AGENDA

COUNCIL
24 MAY 2018

Report of the Head of Corporate Services

RESPONSIBILITY FOR FUNCTIONS AND REVISIONS TO THE COUNCIL'S CONSTITUTION

PURPOSE OF THE REPORT

This report seeks approval of amendments to the Council's Constitution in terms of its decision-making structure and delegation to officers; Contract Standing Orders and Financial Regulations.

RECOMMENDATION

1. That the decision making structure as set out in paragraph 2.3 is approved.
2. That Council discharges functions to Committees within that revised structure and delegates decision making to Officers as set out in Part 3 of the Constitution.
3. That the 3 minute time limit to Public Participation at meetings of the Council is approved.
4. That the update to Contract Standing Orders and Financial Regulations as described in paragraph 3 of the report is approved.
5. That the programme of meetings for the 2018/19 is approved.

WARDS AFFECTED

Not applicable.

STRATEGIC LINK

The effective operation of the Council's democratic processes underpins all the Council's aims and objectives. The Constitution is also an important tool in setting and monitoring the Council's governance framework.

1. BACKGROUND

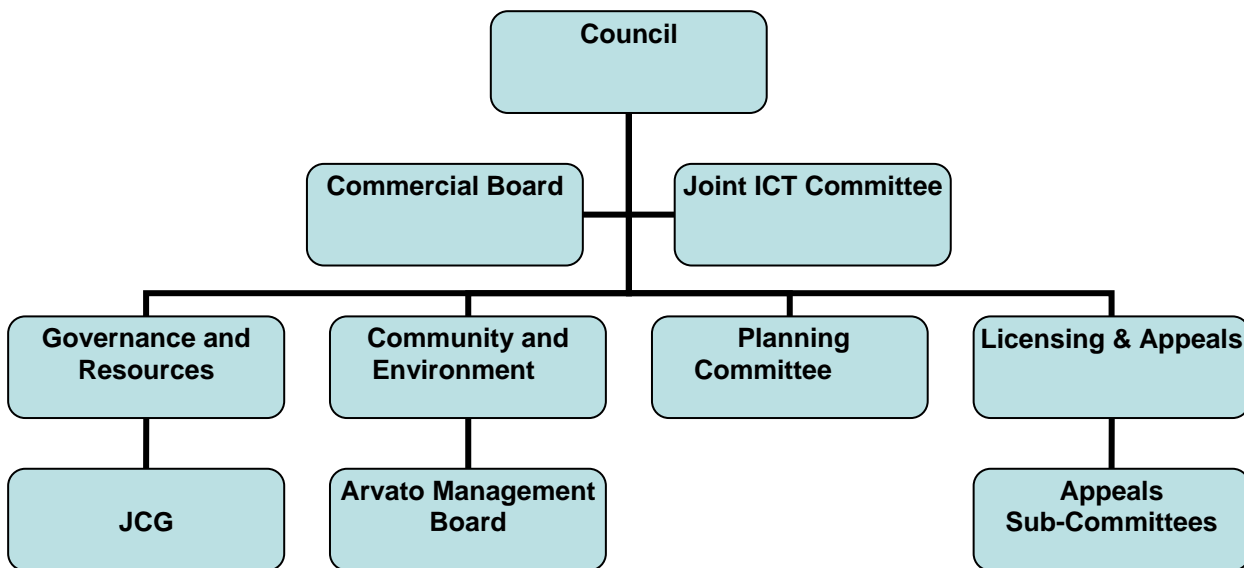
- 1.1 As part of the annual processes of the Council, the Annual Meeting must decide upon its decision making structure for the forthcoming year and which of the Council's functions it chooses to discharge to its Committees and delegate to its officers. Those arrangements are underpinned by the Local Government Act 1972 and are published by way of the Constitution.
- 1.2 The Leaders Advisory Group met on 4 April 2018 to consider minor improvements to the Constitution and to review the role of the Member Representative. Revised

arrangements are set out in this, and other reports on the agenda. The calendar of meetings and delegation to officers reflects the revised arrangements overall.

- 1.3 Contract Standing Orders and Financial Regulations have also been reviewed to reflect changes to procurement thresholds and best practice. Significant amendments are highlighted in the relevant paragraphs below.

2. REVIEW OF CONSTITUTION AND DECISION MAKING STRUCTURE

- 2.1 The Constitution is a comprehensive document which sets out how the Council operates, how the decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, and others are a matter for the Council to decide.
- 2.2 In terms of decision making, Part 3 of the Constitution sets out which of Council’s functions it seeks to reserve, discharge to Committees, and delegate to officers. Following the meeting of the Leaders Advisory Group, no changes are proposed to the current discharge of functions to Committees.
- 2.3 The proposed decision making structure illustrated below, sees the removal of the Local Plan Advisory Group as no longer required, and the insertion of the new Commercial Board as set out in a separate report on the Agenda.



No other changes to the decision making structure are proposed.

2.4 Delegation to Officers

A review of the scheme of delegation to Officers has been reviewed. Updates have been made to the relevant legislation and the following are changes/amendments for 2018/19.

Suggested amendments to the delegation scheme are set out below. The main theme to the changes is to speed up decision making in certain circumstances, in

support of the new commercial agenda. All decisions regarding land disposals are regulated by agreed policy which includes full consultation with Ward Members.

Commercial Board – transfer of delegation previously to Governance and Resources

Subject	Act	Functions Delegated	Current delegation	Officer
Land Transactions	All relevant	To approve the contractual revision of rents, where new rent is £25,000pa or less, and licence fees; to approve lease and licence renewals and amendments to their terms.	No financial threshold.	Estates & Facilities Manager

Governance and Resources Committee – amended thresholds

Subject	Act	Recommended	Current delegation	Officer
Land Transactions	All relevant	To grant licences, periodic tenancies and leases (for less than 10 years) at a fee/rental not exceeding £25,000 per annum.	Less than 7 years	Estates and Facilities Manager
Land Transactions	All relevant	To grant or obtain easements, rights of way, rights of light and wayleaves; to consent assignments, sub-lettings and surrenders.	No reference to rights of way, rights of light	Estates and Facilities Manager
Land Transactions	All relevant	To approve the sale of land where the estimated value is less than £25,000.	£5,000	Estates and Facilities Manager

2.5 Public Participation

The Leaders Advisory Group discussed an anomaly in that time limits for Public Participation at meeting of the Council were not clearly defined. The Group agreed to set a 3 minute time limit to be in line with all other opportunities.

3. CONTRACT STANDING ORDERS

3.1 A re-write of Contract Standing Orders was approved at the last Annual Meeting to incorporate key legal requirements for safe and compliant procurement. One year on, certain aspects are recommended for improvement and to align procurement practices with the strategic aims of the Procurement Strategy.

3.2 The table below summarises the changes and the reasons for the recommendations.

Paragraph	Ref.	Amendment	Reason for change
6. Waivers - from the need for competitive quotations	6.3.1	Delete – where the purchase of supplies or the execution of works or services involve specialist or unique skills or knowledge;	Not relevant.
Waiver in relation to Software and ICT	6.3.2	Add ... “A Business Case is to be submitted for CLT’s approval” where the Council require	Introduce a control mechanism.
Waiver applied to contracts already in place for similar or related procurement	6.3.4	Amend – to apply only to the extension of contracts for the recruitment of consultants. if the Council has already engaged with an organisation for a similar and related procurement provided that the Council will not be exposed to unacceptable risk and there is significant benefit to extending the contract to cover this additional requirement;	Cost efficiency.
Waiver in event of no bids received.	6.3.5	Amend to delete words in bold where, after advertising in accordance with the CSO Rules, it has not been possible to obtain competitive prices for works, supplies or services, which are either patented or of such special character ;	For practical purposes.

Paragraph	Ref.	Amendment	Reason for change
Waiver re protection of life or property	6.3.7	Add Prior approval of CLT if works, supplies or services ...	To introduce a more robust process.
8. Framework Agreements		Add... "Before considering a Framework Agreement a Business Case is to be submitted for CLT's approval"	Framework agreements do not necessarily deliver best value, and are generally more complex in contractual terms. Better value would be delivered by open tender and considered more likely to attract local business as supported in the Procurement Strategy.
11. Utilities		Delete – In some circumstances a local authority may be acting as a utility (e.g. in relation to provisions of sewerage facilities). Specific advice should be sought from the Legal Team.	Not relevant.
12. Appointment of Consultants		Delete - 12.1 The appointment of any Architect, Engineer, Surveyor or other Consultants will be in accordance with the CSO Rules. 12.2 Consideration should be given to using framework agreement contracts for business, professional and ICT consultancy services. 12.3 All consultancy commissions are to be defined by written agreement, the form being approved and signed by the Head of Corporate Services in accordance with the CSO Rules. 12.4 All consultancy bids are required to be evaluated in accordance with the consultancy evaluation criteria defined in the invitation to bid. 12.5 The authorised officer shall ensure that any consultant working for the Council has appropriate indemnity insurance.	Not required. Covered by other provisions.

Paragraph	Ref.	Amendment	Reason for change
13. Valuing the Contract	13.4	Delete – 13.4 Values expressed in terms of Special Drawing Rights (SDRs) or Euros are recalculated every two years to provide expenditure thresholds. Details of financial thresholds are available from the Head of Resources.	Not required. Covered by other provisions.
14.Thresholds and Procedures	ALL	Amend Low, Medium and EU Threshold Level Procurement Procedures and values as follows: De-minimus - £250 for single purchases of goods only. Low – Goods – up to £25,000 Services – up to £10,000 Medium – Goods - £25,000 – EU £181,302 Services - £10,000 – EU High – EU thresholds Supplies and Service Contracts: £181, 302 (€221,000) Works Contracts: £4,551,413 (€5,548,000) Social and other specific Services £615,278 (€750,000) Incorporate the following: A business case to be submitted to CLT that justifies the use of a Framework which includes Value for Money, the terms of any contract and evidence that the Framework is legally compliant.	To reflect most up to date European law thresholds. Introduction of de-minimus is to relieve admin burden on small scale purchasers. To ensure that the use of frameworks is appropriate in the circumstances and to align with the Procurement Strategy.
15.Advertising	ALL	Review to mirror 14. Thresholds and Procedures	As above in 14.
24. Guarantee Bonds		Remove the word ‘default’ and ‘up to a maximum of 10% of the contract sum.	Remove the limit and specify in individual contracts

3.3 It is intended that a flowchart will be provided to Officers to signpost them of the steps and internal training is planned to update officer skills sets.

4. FINANCIAL REGULATIONS

4.1 Financial Regulations provide the framework for managing the Council's financial affairs. They apply to every Member and employee of the Council and anyone acting on its behalf, including partnerships which are subject to formal partnership arrangements. In this annual review amendments are proposed as set out below.

Section	Reference	Change
G: Revenue Estimates	G1 and G2	Amended to add processes for Annual Revised Estimates, which will be presented to Council in November each year.
	G3	<p>New regulation to show that Budgetary Control reports will be presented to the Governance and Resources Committee as follows:</p> <ul style="list-style-type: none"> • To the November meeting, for the period ending 30 September; • To the February meeting, for the period ending 31 December; • To the May/June meeting for the period ending 31 March. <p>Subsequent regulation numbers amended.</p>
	G5 (now G6)	The distinction between employee-related budgets and other budgets has been removed for the purposes of budget transfers.
	G6 (now G7)	Amended so that the Corporate Leadership Team may approve amendments to budgets for salaries and associated costs, provided that the cost is within the overall employee budget.
I: Presentation of Accounts	I1	Amended to reflect earlier date (31 July) for approval of the Statement of Accounts in line with the Accounts and Audit (England) Regulations 2015.
J: Internal Audit	J5 and J6	<p>Regulations on Fraud and Money Laundering moved to separate section to give them more prominence.</p> <p>Subsequent regulation numbers amended.</p>

Section	Reference	Change
L: Banking and Imprest Accounts	L4	Amended to state that cheques will only be used for payments in exceptional circumstances.
M: Treasury Management	M1 – 11	Change in order of regulations
M: Treasury Management	M1 (now M8)	Added: The Head of Resources shall be authorised to operate such investment accounts as he/she feels necessary, subject to compliance with the Council's Treasury Management Strategy Statement.
Q: Gifts and Hospitality	Q4	Amended to state that Employees must have due regard to the section on Hospitality and Gifts in the Council's Employee Code of Conduct.
R: Retention of Records	R2	Amended to refer to updated legislation.
S: Fraud and Money Laundering	New section	Includes regulations moved from Internal Audit section and more detailed regulations on Money Laundering.
T: Partnership Working	S1 (now T1)	Deleted the reference to a financial contribution so that the regulation applies to all significant partnerships.

5 CALENDAR OF MEETINGS

5.1 The Calendar of Meetings for 2017/18 is attached as Appendix 2 for adoption by Council based on the following cycle of meetings:

Council	8 weeks
Policy Committee	6 weeks
Planning	4 weeks
Commercial Board	Quarterly, plus meetings as and when required.
Area Community Forums	2 events per annum

Dates for mandatory training and the return of Town and Parish Council Conferences are also listed.

6. RISK ASSESSMENT

6.1 Legal

The legislative foundation to enable or require amendments to the Constitution is shown within the main body of the report. The legal risk is therefore low.

6.2 Financial

There are no financial considerations arising from the report.

7. CONTACT INFORMATION

Sandra Lamb Head of Corporate Services Tel. 01629 761281 or e-mail sandra.lamb@derbyshiredales.gov.uk

8. BACKGROUND PAPERS

None

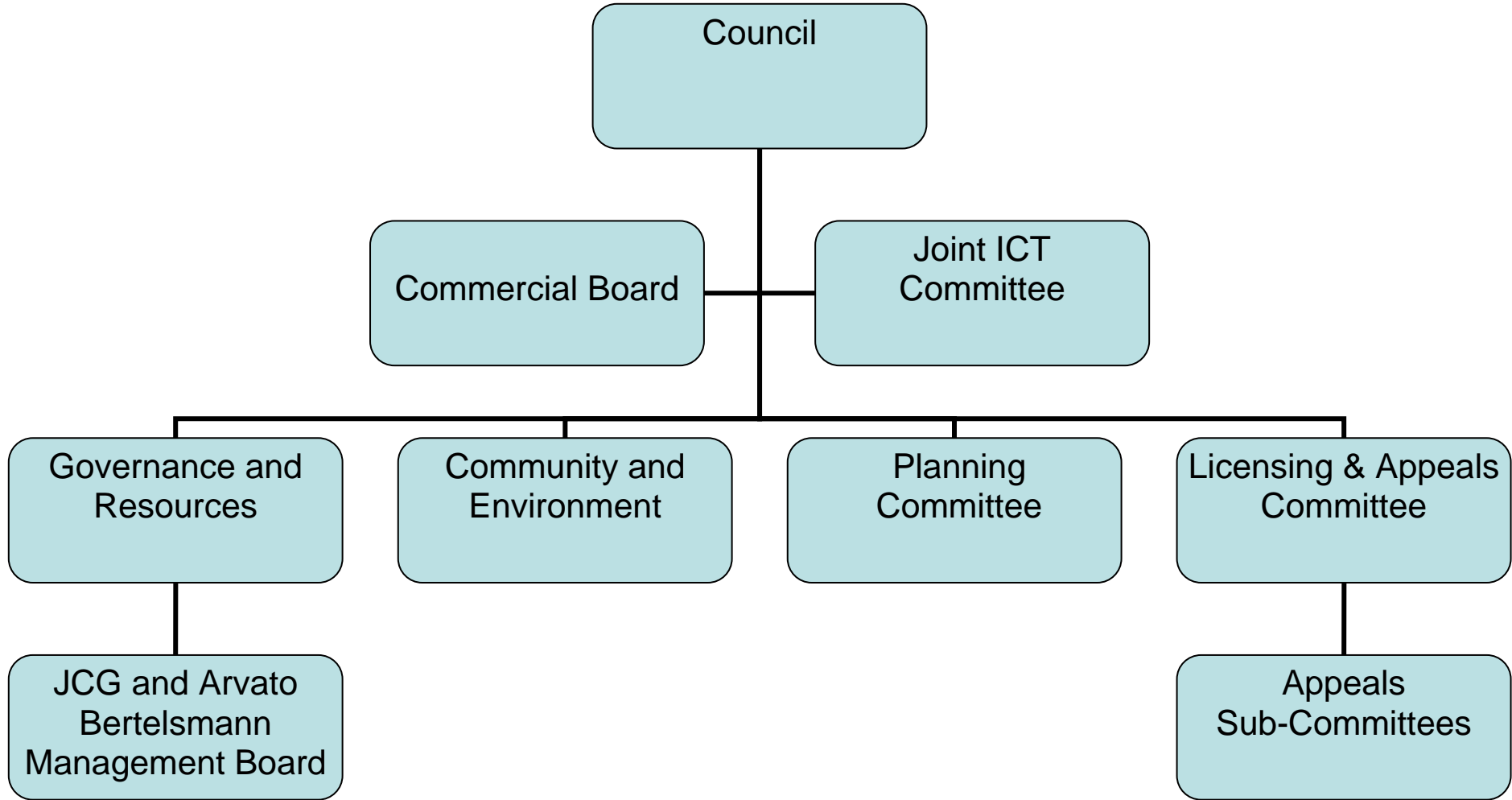
9. ATTACHMENTS

Appendix 1 – Part 3 of the Constitution
Appendix 2 – Programme of Meetings

RESPONSIBILITIES FOR FUNCTIONS

Index

	Page(s)
Decision Making Structure -----	2
The Council-----	3 - 4
Delegation to Officers -----	5
Commercial Board -----	6
Delegation to Officers -----	7
Policy Committees-----	8
Urgent Business-----	8
Community and Environment Committee -----	9 - 10
Delegation to Officers -----	11 - 39
Governance and Resources Committee-----	40 - 41
Delegation to Officers -----	42 - 50
Joint Consultative Group-----	51
Planning Committees -----	52
Delegation to Officers -----	53 - 58
Ernest Bailey Charity Committee -----	59
Licensing & Appeals Committee -----	60 - 61
Delegation to Officers -----	62 - 70
Licensing and Appeals Sub-Committee -----	71
Joint ICT-----	72
Area Community Forums -----	73



RESPONSIBILITY FOR FUNCTIONS

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

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

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

COUNCIL	
Strategic development and adoption	<ul style="list-style-type: none"> • Budget and Council Tax Setting • Code of Conduct for Elected Members • Combined Authorities (relating to Governance) • Corporate Plan • Corporate Improvement Plan • Discharge of Functions to Committees • Development Plan Policy • Financial Strategies • Performance Plan • Commercial and Treasury Management Strategies and Policy • Capital Programme and Prudential Indicators
Strategic adoption following recommendations from Committee.	<ul style="list-style-type: none"> • All recommendations which seek to establish new policy • All recommendations which seek to propose a significant departure from existing policy.

Functional responsibility	<ul style="list-style-type: none"> • Appointment of Chairman of the District of Derbyshire Dales • Appointment of Chief Executive and Corporate Director • Appointments to Committees • Appointments to Outside Bodies • Election of Committee Chairmen • Electoral Administration • Ethical framework • Financial management including treatment of Reserves and Balances • Local Lottery Schemes • Organisational Resources and Review – reports of Head of Paid Service • Reports of External Auditor • Scheme of Delegation to Committees • Scheme of Members' Allowances and reports of Independent Remuneration Panel • Statutory probity – reports of Chief Financial Officer and Monitoring Officer
---------------------------	---

Meetings of the Council are held on an eight weekly cycle or additionally as business may demand.

OFFICER DELEGATION – COUNCIL

Subject	Act	Functions Delegated	Officer
Council Tax Base	Local Government Act 2003 – S.84	To determine the Council Tax Base	Head of Resources
Petitions	-	Petitions Officer	Head of Corporate Services
Petitions	-	Decisions on ordinary petitions	Chief Executive/Corporate Director/Heads of Service in consultation with the relevant Committee Chairman and relevant Ward Member(s)
Petitions	-	Decisions on whether a petition is vexatious, abusive or otherwise inappropriate	Head of Corporate Services
Petitions	-	Authority to make minor amendments to the Council's Petitions Policy	Head of Corporate Services
Reserves	-	Use of the general reserve or strategic reserves up to £25,000 per event to deal with emergencies or unforeseen events	Chief Financial Officer

COMMERCIAL BOARD

Board Aims and Terms of Reference

The aim of the Board is to create additional revenue streams through pursuing projects that, in particular:-

- Grow the economy.
 - Create prosperous thriving communities.
 - Deliver transformation in services.
- } Corporate Plan

and also respond to the Primary Purpose and Guiding Principles of the Commercial Investment Strategy agreed at Council on 5th March 2018.

The Board will have two main roles:

- (1) decision making under delegated authorities to be agreed.
- (2) an advisory function to Council.

Discharge of Functions

1. Continually review the Commercial Investment Strategy and advise Council on its relevance.
2. Act as the Initial Assessment Board and advise Council or appropriate Committee on projects to take forward, in accordance with the Scheme of Delegation.
3. Manage use of the Council's Investment Fund and determine or advise on allocations from it in accordance with the Scheme of Delegation.
4. To spend up to £150k in a single transaction for a project / feasibility study / pump priming (in accordance with assessment criteria) that delivers a return in accordance with the Commercial Strategy.
5. Keep under review the criteria to be used in determining projects to take forward, advising Council on any changes to be made.
6. Advise Council on the Scheme of Delegation and review as appropriate.
7. Prepare an Annual Report to Council on the work of the Board.
8. To explore the potential of the Council's Property and Asset Management Plan to ensure best use is being made of the Council's own resources in generating income.
9. To contribute to the development of a commercial culture throughout the Council.
10. To recommend to Council as appropriate any commercial opportunity models that may assist in the delivery of the Commercial Investment Strategy.
11. Keep under review the resources and skills required to deliver the Commercial Investment Strategy.
12. Work actively with staff to look at opportunities for income generation from existing or new services that could be delivered to the Derbyshire Dales' communities.

OFFICER DELEGATION – COMMERCIAL BOARD

The following table sets out the relevant subject areas and the responsible officers.

Subject	Act	Functions Delegated	Officer
Land Transactions	All relevant	To approve the contractual revision of rents, where new rent is £25,000pa or less, and licence fees; to approve lease and licence renewals and amendments to their terms.	Estates & Facilities Manager

TERMS OF REFERENCE

Policy Committees

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

The Committees each meet every 6 weeks, or at such other periods as business may demand and report to meetings of the Council. One of the aims of the Constitution is to speed up decision making and so provision has been made for each Committee to make a decision in relation to the other's business where an urgent matter needs attention.

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

Provision for urgent business

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

Urgent business is defined as:-

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

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

COMMUNITY AND ENVIRONMENT COMMITTEE

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

Priorities

- Increase affordable housing
- Increase business growth and job creation
- Maintain street cleaning, waste collection, safe and healthy communities
- Make savings necessary to achieve a sustainable budget

Service Areas within the remit of this Committee are:

Regulatory Services

- Building Control
- Environmental Health
- Public Health and Safety
- Conservation and Design
- Tree Protection
- Private Sector Housing

Housing Services

- Housing Strategy, advice and support
- Home Options
- Homelessness
- Affordable Housing

Environmental Services

- Waste Collection and recycling
- Parks and Street cleansing
- Car Parking
- ABC operations
- Transport operations
- Countryside management
- Public Conveniences
- Cemeteries
- Environmental Crime
- Dog Warden Service
- Pest Control
- Highway Agency Arrangements

Regeneration and Policy Services

- Economic Development
- Tourism
- Regeneration
- Economic and Strategic Partnerships
- Neighbourhood Plans and Supplementary Guidance

Community Development Services

- **Events**
- **Matlock Illuminations**
- **Arts**
- **Community safety**
- **Markets**
- **Leisure Services**
- **Community Development**
- **Sports Development**
- **Local Projects Fund**
- **Anti-Social Behaviour**

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

1. To make recommendations to Council on the development of appropriate plans and strategies (including budgetary proposals) in relation to all services within this committee's remit in order to carry out the purposes of this Committee.
2. To make recommendations to and advise the Council on policy within the Committee's remit including the introduction of new policies or amendments to existing ones.
3. To be responsible for the effective management of services for which the Committee has responsibility.
4. To be accountable for the efficient use of resources under its control subject to virement levels.
5. To carry out the Council's statutory functions with regard to any of the named services.
6. To consider all matters over which the Council has jurisdiction affecting the health of the inhabitants of the District.
7. To receive and act upon reports from the Commission for Local Administration in England (the Ombudsman) where there has been a critical finding on a service within the Committee's remit
8. To develop appropriate policy and procedure relating to the Council's responsibilities in relation to the Community Right to Challenge.
9. To make Designated Public Places Orders, in order to control alcohol consumption in public places, under Section 13 of the Criminal Justice and Police Act 2001.

OFFICER DELEGATION - COMMUNITY & ENVIRONMENT COMMITTEE

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

Subject	Act	Functions Delegated	Officer
Article 8, The Redress Schemes for lettings Agency Work and Property Management Work	Requirement to Belong to a Scheme etc. (England) Order 2014	Issue of notice, issue of final notice and imposition of monetary penalty of £5,000.	Head of Regulatory Services, Principle Officer – Environmental Health, all Environmental Health Officers.
Abandoned Vehicles and Refuse	Refuse Disposal (Amenity) Act 1978	To carry out the duties of the Council in accordance with the Act.	Head of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Officers/Environmental Health Technician
	Clean Neighbourhoods & Environment Act 2005 Section 10 & Refuse Disposal (Amenity) Act 1978 Section 2B	Issue of fixed penalty notices for abandoning a vehicle	Environmental Health Officers/Environmental Health Technicians
	Clean Neighbourhoods & Environment Act 2005 Section 10 & Refuse Disposal (Amenity) Act 1978 Section 2B	Power to require the name and address of a person to whom a fixed penalty notice is to be issued	Environmental Health Officers/Environmental Health Technicians
Access to Information Summons and Charges	Local Government (Access to Information) Act 1985	Proper Officer provision <ul style="list-style-type: none"> • Identification and retention of background papers and reports • Identification of exempt information and reasoning of public interest test 	Chief Executive/Corporate Director/Heads of Service Monitoring Officer and Chief Financial Officer in relation to their statutory roles
Access to Information	-	To increase charges for production of background papers, agenda reports and minutes annually, in line with inflation.	Head of Corporate Services
Anti Social Behaviour	Anti-Social Behaviour, Crime	To apply for a Criminal Behaviour Order on	Solicitor and/or Legal Assistant in Consultation

Subject	Act	Functions Delegated	Officer
	and Policing Act 2014 Section 22	conviction	with the Head of Corporate Services and/or Senior Solicitor
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 22	To apply for a Criminal Behaviour Order on conviction	Solicitor and/or Legal Assistant in Consultation with the Head of Corporate Services and/or Senior Solicitor
	Anti-Social Behaviour, Crime and Policing Act 2014 Part I	To apply for a Civil Injunction	Solicitor, Legal Assistant, Revenue Services Manager and/or Community Safety Officer in consultation with the Head of Corporate Services and/or Senior Solicitor
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 43	To issue a Community Protection Notice	Environmental Health Officers
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 52	To issue a Fixed Penalty Notice for failing to comply with a Community Protection Notice	Environmental Health Officer Parks and Street Scene Manager Community Safety Officer Any other enforcement officers employed by DDDC
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 48	To instigate legal proceedings for failing to comply with a Community Protection Notice	Solicitor and/or Legal Assistant in consultation Head of Corporate Services and/or Senior Solicitor
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 68	To issue a Fixed Penalty Notice for failing to comply with a Public Spaces Protection Order	Environmental Health Officers, Head of Regulatory Services / Head of Community & Environmental Services, Parks and Street Scene staff, Parks and Street Scene Officer and Technician Clean & Green Assistants and other operatives Community Safety Officer Any other enforcement officers employed by DDDC
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 67	To instigate legal proceedings for failure to comply with a Public Spaces Protection Order	Head of Corporate Services and/or Senior Solicitor in conjunction with head of relevant service
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 76	To issue a Closure Notice – 24 Hours	Licensing Manger, Principal Environmental Health Officer Community Safety Officer
	Anti-Social	To issue a Closure Notice –	Head of Regulatory Services

Subject	Act	Functions Delegated	Officer
	Behaviour, Crime and Policing Act 2014 Section 76	48 Hours	Head of Community & Environmental Services
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 80	To apply for a Closure Order	Head of Corporate Services and/or Senior Solicitor in conjunction with head of relevant service
Approval of Disabled Facilities Grants,	Housing Grants, Construction and Regeneration Act 1996	Approve grant assistance	Head of Regulatory Services / Principal Officer – Environmental Health
	Regulatory Reform (Housing Assistance) (England and Wales) Order 2002	Refuse grant assistance	
Arts Development Scheme	-	To determine distribution of the Arts Development in Derbyshire Dales Fund.	Head of Community & Environmental Services
Atmospheric Pollution	Clean Air Act 1993	To serve Notices	Head of Regulatory Service/Principal Officer – Environmental Health/Environmental Health Officers
Atmospheric Pollution	Clean Air Act 1993	Determine applications regarding arrestment plant.	Head of Regulatory Services / Principal Officer – Environmental Health
Atmospheric Pollution	Clean Air Act 1993	Institute proceedings.	Head of Regulatory Services in consultation with Head of Corporate Services
Audible Intruder Alarms	Clean Neighbourhoods & Environment Act 2005 Section 70	Withdrawal of alarm notification area designation.	Head of Regulatory Services
Audible Intruder Alarms	Clean Neighbourhoods & Environment Act 2005 Section 71	Institute proceedings for offences under this Chapter.	Head of Regulatory Services in consultation with Head of Corporate Services
Audible Intruder Alarms	Clean Neighbourhoods & Environment Act 2005 Section 73	Issue of fixed penalty notices for offences under this Chapter.	Environmental Health Officers
Audible Intruder Alarms	Clean Neighbourhoods & Environment Act 2005 Section 76	Power to require the name and address of a person to whom a fixed penalty notice is to be issued.	Environmental Health Officers
Audible Intruder Alarms	Clean Neighbourhoods &	Power of entry.	Environmental Health Officers

Subject	Act	Functions Delegated	Officer
	Environment Act 2005 Section 77		
Audible Intruder Alarms	Clean Neighbourhoods & Environment Act 2005 Section 78	Authority to obtain warrant.	Environmental Health Officers
Audible Intruder Alarms	Clean Neighbourhoods & Environment Act 2005 Section 79	Power of Entry: Supplementary	Environmental Health Officers
Authority to Enter Land and Premises		Authority to issue authority to enter premises notifications for the purposes of pursuing official duties where such provisions exist in law.	Chief Executive/ Head of Corporate Services
Band Concerts – Programme	-	To determine the programme of concerts within financial limits.	Head of Community & Environmental Services
Building Control	Building Regulations 1991 (as amended) Building (Approved Inspector) Regulations 1985 (as amended) Building (Prescribed Fees) Regulations 1994 (as amended) Building Act 1984 - Sections 8,15,16,18,21 to 30, 35, 36,47 to 54,56,77,78,81, 82, 91,95 & 96.	To exercise the powers including Proper Officer provisions under the relevant legislation:	Head of Regulatory Services/Senior Building Control Surveyor
Building Regulations	Building Act 1984 S.32 S.66	To serve notice that plans have no effect where work to which the plans relate has not commenced within 3 years from their deposit	Head of Regulatory Services/Senior Building Control Surveyor
Building Regulations – Charges	Building (Local Authority Charges) Regulations 1998	To vary the adopted Scheme of Charges where competition for the Building Control service prevails.	Head of Regulatory Services/Senior Building Control Surveyor
Building Regulations - Contraventions	Public Health Act 1936 S.287(1)(a)	Authorisation of Officers to enter premises and to institute proceedings against any person who wilfully obstructs any Officer in pursuit of their duties	Head of Corporate Services

Burial/ Cremation (Assisted Burials)	Local Government Act 1972 Sch13(3) Public Health Act 1936 S162(1) Public Health (Control of Disease) Act 1984	To make such arrangements as are necessary for the burial or cremation of deceased persons where no suitable arrangements have been or are being made	Head of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Officers
Byelaws	Local Government Act 1972 S238	Proper Officer – to certify printed copies of byelaws	Head of Corporate Services
Car Boot Sales	-	In consultation with the Chairman of the appropriate Committee, to take action to prevent the establishment of a permanent car boot sale on a commercial basis.	Head of Regulatory Services
Car Parking Enforcement	Road Traffic Regulations Act 1984 S.35A and 112	To carry out Prosecutions.	Head of Community & Environmental Services/Head of Corporate Services
Carsington Reservoir Fund	-	To approve applications for grant aid in consultation with Ward Member	Corporate Director
CCTV	The Data Protection Act 1998. Subject Access Request: s.7(Individual), s.29 & s.35 (Third Party)	Authority to sanction third parties for the usage of public space CCTV, CCTV systems and recordings.	Head of Community & Environmental Services
CCTV	The Data Protection Act 1998 & Local Government Act 2003 s.93(1)	Authority to set fees for the usage of public space CCTV, CCTV systems and recordings.	Head of Community & Environmental Services
CCTV	The Data Protection Act 1998 & General Data Protection Regulation (EU) 2016/679	CCTV Manager to act as data controller for CCTV systems. To appoint and train responsible Officers. To make decisions in compliance with legislation relating to CCTV.	CCTV Manager
Churchyards not closed by statute	-	To increase grant level annually in line with inflation.	Head of Corporate Services
Conservation Area and Historic Buildings Grants	-	To approve grants under the Historic Buildings and Conservation Area Enhancement Grants Scheme up to £500 per application.	Head of Regulatory Services / Development Manager

Contaminated Land	Environmental Act 1995	Powers to enter premises	Corporate Director/Head of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Officers/ Environmental Health Technicians.
Contaminated Land	Environmental Protection Act 1990, Part IIA	To Determine that land is contaminated Service of urgent remediation notices Authorise urgent remediation works and recover costs Service of remediation notices Publish remediation declarations	Head of Regulatory Services Principal Officer – Environmental Health
Contaminated Land	Environmental Protection Act 1990, Part IIA	Maintain Remediation Register	Head of Regulatory Services Principal Officer – Environmental Health
Contaminated Land	Environmental Protection Act 1990, Part IIA	Institute Proceedings	Head of Regulatory Services in consultation with the Head of Corporate Services.
Contracts – General		Authority to accept alternative tenders in respect of any contract in the event of a withdrawal before the contract is complete.	Corporate Leadership Team
Control of Disease	Public Health (Infectious Diseases) Regulations 1988	Authority to appoint a proper officer	Corporate Director/Head of Regulatory Services
	Public health (Control of Disease) Act 1984	To appoint authorised officers	Corporate Director/Head of Regulatory Services
		To act as authorised officers	Environmental Health Officers/Environmental Health Technicians
		To institute legal proceedings	Head of Regulatory Services in consultation with Head of Corporate Services

	Public Health (Control of Disease) Act 1984	To have power of entry	Environmental Health Officers/Environmental Health Technicians
		To nominate a GP in respect of infectious persons	Head of Regulatory Services
		Authority to authorise staff to issue fixed penalty notices for offences under this section	Head of Community & Environmental Services/Parks & Street Scene Manager
Control of Dogs	Clean Neighbourhoods and Environment Act 2005 Section 61	Authority to authorise staff to require the name and address of a person to whom a fixed penalty notice is to be issued	Head of Community & Environmental Services/Parks & Street Scene Manager
Control of Dogs	Clean Neighbourhoods and Environment Act 2005 Section 55	Institute proceedings	Head of Community & Environmental Services in consultation with Head of Corporate Services
Crime and Disorder	Clean Neighbourhoods and Environment Act 2005	Making of "gating" orders to regulate anti-social behaviour	Head of Community & Environmental Services
Dangerous Structures	Building Act 1984 S.78	Authority to take emergency steps to secure remedial action to remove danger in consultation with Chairman or Vice-Chairman. Recovery of expenses via the courts following Committee approval.	Head of Regulatory Services/Senior Building Control Surveyor Head of Corporate Services/Head of Regulatory Services/Senior Building Control Surveyor
Defective Premises	Building Act 1984 Section 76	Service of notices, authority to authorise works in default.	Head of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers/ Environmental Health Technicians
Drainage	Local Gov (Misc Prov) Act 1976 S35 and Public Health Act 1961 S17/18 as amended by Local Gov Misc Prov 1982 S27	To issue Notices and carry out necessary works in default.	Head of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers
Drainage	Public Health Act 1936	Power to enter premises	Head of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers/Environmental/

			Environmental Health Technicians
Drainage	Building Act 1984	Institute proceedings	Head of Regulatory Services in consultation with Head of Corporate Services
Drains, Sewers and Culverts	Public Health Act 1936 S.50, S.275 and S.290 Building Act 1984 S59/60	Serving of Statutory Notices indicating nature of remedial work to be completed. Execute works in default and re-claim all necessary expenses.	Head of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers
Environmental Damage	Environment Act 1995	Powers of entry in relation to the Environmental Damage Regulations 2009	Head of Regulatory Services/Principal Officer – Environmental Health/All Environmental Health Officers/Environmental Health Technicians
Environmental Damage	Environmental Damage (Prevention and Remediation) (England) Regulations 2015	To act as authorised officers	Head of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers
Environmental Damage	Environmental Damage (Prevention and Remediation) (England) Regulations 2015	Service of notices	Head of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers
Environmental Damage	Environmental Damage (Prevention and Remediation) (England) Regulations 2015	To authorise works in default and recover costs.	Head of Regulatory Services/Principal Officer – Environmental Health
Environmental Damage	Environmental Damage (Prevention and Remediation) (England) Regulations 2015	Institute proceedings	Head of Regulatory Services in consultation with Head of Corporate Services
Fly Tipping	Environmental Protection Act 1990 Section 59 and 59ZA	Service of Fixed Penalty Notices	Environmental Health Officers
Fly Tipping	Environmental Protection Act 1990 Section 33	Institute proceedings for the offence of depositing controlled waste on land	Head of Regulatory Services in consultation with Head of Corporate Services
Food	Food Safety Act 1990 (as amended) and all subordinate	Authority to appoint Authorised Officers as defined by Section 5(6) of the Act and all subordinate	Corporate Director/Head of Regulatory Services

	legislation.	legislation and in accordance with current Codes of Practice. To appoint a Public Analyst	Corporate Director/Head of Regulatory Services
	Food Safety Act 1990 (as amended) and all subordinate legislation	To act as Authorised Officers as defined by Section 5(6) of Act and all subordinate legislation under the Food Safety Act 1990. To issue Improvement and Emergency Prohibition Notices	Environmental Health Officers/Environmental Health Technicians/ Agency Staff
Food	Food Safety Act 1990 (as amended) and all associated/sub-ordinate legislation	To institute legal proceeding	Head of Regulatory Services in consultation with Head of Corporate Services
Food	Contaminants in Food Regulations 2001	To appoint authorised officers	Head of Regulatory Services
		To act as authorised officers	Environmental Health Officers/Environmental Health Technicians
		To institute proceedings	Head of Regulatory Services in consultation with Head of Corporate Services
	Meat (Enhanced Enforcements Powers (England) Regulations 2000	To appoint authorised officers	Head of Regulatory Services
Food	Meat (Enhanced Enforcements Powers (England) Regulations 2000	To act as authorised officers	Environmental Health Officers/Environmental Health Technicians
		To institute legal proceedings	Head of Regulatory Services in consultation with Head of Corporate Services
	The TSE (England) Regulations 2010	To appoint authorised officers	Corporate Director/Head of Regulatory Services

		To act as authorised officers	Environmental Health Officers/Environmental Health Technicians
	The TSE (England) Regulations 2010	To institute legal proceedings	Head of Regulatory Services in consultation with Head of Corporate Services
Food	European Communities Act 1972 and all subordinate legislation under the European Communities Act 1972	To fulfil the requirements of the Act and of all subordinate legislation	Head of Community & Environmental Services/ Environmental Health Officers/Environmental Health Technicians/Agency staff
Food	Trade in Animals and Related Product Regulations 2011	To appoint authorised officers To act as authorised officers To institute legal proceedings	Corporate Director/Head of Regulatory Services Environmental Health Officers/Environmental Health Technicians Head of Regulatory Services in consultation with Head of Corporate Services
Food	Food Safety Act 1990 (as amended) and all associated/ subordinate legislation Food and Environment Protection Act 1985	Institute legal proceedings	Head of Regulatory Services in consultation with Head of Corporate Services
Food	The Food Hygiene (England) (no2) Regulations 2013	Authority to appoint Authorised Officers	Head of Regulatory Services
		To act as Authorised Officer	Environmental Health Officers/Environmental Health Technicians/Agency Staff
		Regulation 6 – Service of Hygiene Improvement Notice	Environmental Health Officers/Environmental Health Technicians/Agency Staff
Food	Food Hygiene (England) (No 2)	Regulation 8 – Hygiene Emergency Prohibition	Environmental Health Officers/Environmental

	Regs 2013)	Notices and Orders	Health Technicians/Agency Staff
		Regulation 9 – Remedial Action Notices and Detention Notices	Environmental Health Officers/Environmental Health Technicians/Agency Staff
		To institute legal proceedings	Head of Regulatory Services in consultation with Head of Corporate Services
	The Official Feed and Food Controls (England) Regulations 2009	Authority to appoint Authorised Officers under Regulation 3 (3)	Corporate Director/Head of Regulatory Services
	The Official Feed and Food Controls (England) Regulations 2009	Regulation 30: Notices in pursuant to Article 19 of Regulation 882/2004	Environmental Health Officers/Environmental Health Technicians/Agency Staff
		To institute legal proceedings	Head of Regulatory Services in consultation with Head of Corporate Services
Former Council Owned Properties in the Peak District National Park	Housing Act 1985 – Sections 37 & 157	<p>To give consent to proposed transactions based on the following guidelines:</p> <p>To be given automatically to a person who has lived or worked within Derbyshire or the Peak District National Park for a period of three years before the transaction</p> <p>To be given where a person has a local connection with the area and is returning to the area to care for another relative</p> <p>To be given to members of the forces with local connections returning to live in the area</p> <p>To be given to companies where at least one of the directors satisfies the qualifying conditions.</p> <p>To be given to companies whose stated aim is to provide housing for those</p>	Head of Corporate Services

		satisfying the qualifying criteria. Consent to be conditional on compliance with this requirement All other cases to be referred to Committee for the exercise of their discretion.	
Graffiti and Fly-Posting	Anti-Social Behaviour Act 2003	Institute proceedings	Head of Community & Environmental Services in consultation with the Head of Corporate Services
Graffiti and Fly-Posting	Anti-Social Behaviour Act 2003	Authority to authorise officers for the purpose of Section 43 of the Act (Fixed Penalty Notices)	Head of Community & Environmental Services/Parks & Street Scene Manager
Green Man Trail	-	To approve the use of Derwent Gardens and/or Lovers' Walk for the Green Man Trail. (upon conclusion of site and Health & Safety issues)	Head of Community & Environmental Services
Health Protection	Public Health (Control of Disease) Act 1984 (as amended)	Powers to enter premises to carry out local authority health protection functions	Head of Regulatory Services/Principal Officer – Environmental Health/All Environmental Health Officers/Environmental Health Technicians
Health Protection	Public Health (Control of Disease) Act 1984 (as amended)	Application for a warrant to enter premises	Corporate Director/Head of Regulatory Services/Principal Officer Environmental Health
Health Protection	Health Protection (Local Authority Powers) Regulations 2010 Regulation 2	Service of notice requiring that a child be kept away from school	Corporate Director/Head of Regulatory Services/Principal Officer Environmental Health
Health Protection	Health Protection (Local Authority Powers) Regulations 2010 regulation 3	Service of notice requiring a head teacher to provide contact details of children attending school	Corporate Director/Head of Regulatory Services/Principal Officer Environmental Health
Health Protection	Health Protection (Local Authority Powers) Regulations 2010 regulation 8	Service of notice requesting co-operation for health protection purposes	Corporate Director/Head of Regulatory Services/Principal Officer Environmental Health
Health Protection	Health Protection (Local Authority Powers) Regulations 2010	Service of notice prohibiting contact with a dead body	Head of Regulatory Services/Principal Officer Environmental Health

	regulation 9		
Health Protection	Health Protection (Local Authority Powers) Regulations 2010 regulation 10	Service of notice prohibiting any person from entering a room in which a dead body is located	Head of Regulatory Services/ Principal Officer Environmental Health
Health Protection	Health Protection (Local Authority Powers) Regulations 2010 regulation 11	Service of notice requiring the relocation of a dead body	Head of Regulatory Services/ Principal Officer Environmental Health
Health Protection	Health Protection (Local Authority Powers) Regulations 2010	Institute proceedings for failing to comply with a notice served under the Regulations	Head of Regulatory Services/Head of Corporate Services
Health Protection	Public Health (Control of Disease) Act 1984 (as amended) section 45	Make application to a Justice of the Peace for a Part 2A Order	Head of Regulatory Services/Head of Corporate Services
		Make application for the variation or revocation of a Part 2A Order	Head of Regulatory Services/Head of Corporate Services
Health Protection	Health Protection (Part 2A Orders) Regulations 2010 regulation 3	Service of notice informing of the application for a Part 2A Order	Head of Regulatory Services
		Recovery of costs	Head of Regulatory Services
Health Protection	Public Health (Control of Disease) Act 1984 (as amended) section 450	Institute proceedings for failing to comply with a Part 2A Order	Head of Corporate Services in consultation with Head of Regulatory Services
Health and Safety	Health and Safety at Work etc Act 1974 S19	To authorise such officers or technicians or agency staff as deemed appropriate with enforcement powers	Chief Executive/Corporate Director
	Health and Safety at Work Act 1974	To authorise persons to enter premises in the company of an inspector	Chief Executive/Corporate Director
		To act as inspectors in accordance with the Act	Environmental Health Officers/Environmental Health Technicians/Agency Staff
Health and Safety	Health and Safety	To indemnify inspectors	Chief Executive/Corporate

	at Work Act 1974	against any action brought against them arising from carrying out their inspectorial duties	Director
		To serve improvement/prohibition notices	All Officers, Technicians and Agency Staff authorised under the Act
	Health and Safety at Work Act 1974 S28(3)l(i)	To act as a proper recipient of information	Corporate Director/Head of Regulatory Services
	Health and Safety at Work Act 1974 – section 25	Power to deal with cause of imminent danger	Environmental Health Officers
	Health and Safety (Enforcing Authority) Regulations 1989	Institute legal proceedings	All Officers, Technicians and Agency Staff authorised under the Act in consultation with the Head of Corporate Services
	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013	To act as the enforcing authority in those premises detailed in the Regulations	All Officers, Technicians and Agency Staff authorised under the main Act
		To institute legal proceedings for an offence contravening the regulations	All Officers/ Technicians and Agency Staff authorised under the Act in consultation with the Head of Corporate Services
	The Notification of Cooling Towers and Evaporative Condensers Regulations 1992	To institute legal proceedings	Head of Regulatory Services in consultation with Head of Corporate Services
High Hedges	Anti-social Behaviour Act 2003	To determine high hedge complaints including the issue, modification or relaxation of remedial notices. To initiate enforcement action, including prosecution, to secure compliance with a remedial notice.	Development Manager
Highways - Speed limit amendments temporary closing and de-trunking	-	To respond to proposals of the Highways Authority in consultation with Ward Members.	Head of Corporate Services
Homelessness	Housing Act 1985 and 1996 Homelessness	To make any determination and notify as appropriate.	Head of Housing Services/Housing Strategy Officer/ Home Options

	Reduction Act 2018		Officers
Land Charges	Local Land Charges Act 1975 S3 (3) 9(4)	Proper officer to maintain register of Local Land Charges and to issue the official certificate of a result of a search.	Head of Corporate Services
Land Drainage	Land Drainage Act 1991	Powers to enter premises to carry out local authority land drainage functions	Head of Regulatory Services/Principal Officer – Environmental Health/All Environmental Health Officers/Environmental Health Technicians
Legal Proceedings	All relevant	To authorise the institution, defence or participation in any legal proceedings in any case where such action is necessary to give effect to decisions of the Committee where such action is necessary to protect the Council's interests.	Head of Corporate Services
Litter	Clean Neighbourhoods and Environment Act 2005, Sections 19 & 24 & Section 88 of the Environmental Protection Act 1990	Authority to authorise members of staff to issue fixed penalty notices for dropping litter	Head of Community & Environmental Services/Parks & Street Scene Manager
Litter	Section 87 of the Environmental Protection Act 1990	Institute legal proceedings	Head of Community & Environmental Services in consultation with Head of Corporate Services
Litter	Section 88 of the Environmental Protection Act 1990	Institute legal proceedings for failing to provide name and address	Head of Community & Environmental Services in consultation with Head of Corporate Services
Litter	Clean Neighbourhoods and Environment Act 2005 Section 20 & Environmental Protection Act 1990 Section 92A	Service of litter clearing notices	Environmental Health Officers/Head of Community & Environmental Services/Head of Regulatory Services
Litter	Environmental Protection Act	Institute proceedings for failure to comply with a litter	Head of Community & Environmental Services in

	1990 Section 92C	clearing notice	consultation with Head of Corporate Services and Head of Regulatory Services
Litter	Environmental Protection Act 1990 Section 92C	Undertake works in default and recover costs	All Environmental Health Officers/ Head of Regulatory Services
Litter	Clean Neighbourhoods and Environment Act 2005 Section 21 & Environmental Protection Act 1990 Sections 93 and 94	Service of street litter control notices	Head of Community & Environmental Services/ Environmental Health Officers/Parks & Street Scene Manager
Litter	Clean Neighbourhoods and Environment Act 2005 Sections 22 and 24 & Environmental Protection Act 1990 Section 94	Authority to authorise members of staff to issue fixed penalty notices for breaching street litter control notices	Head of Community & Environmental Services/Parks & Street Scene Manager
Litter	Clean Neighbourhoods and Environment Act 2005 Section 23 & Environmental Protection Act 1990 Sections 94B and schedule 3A	Issue of consents for the distribution of free printed material	Head of Community & Environmental Services
Litter	Environmental Protection Act 1990 Sections 94B and schedule 3A	Issue of consents for the distribution of free printed material	Head of Community & Environmental Services
Litter	Clean Neighbourhoods and Environment Act 2005 Section 23 & Environmental Protection Act 1990 Sections 94B and Schedule 3A	Seizure of material where an offence is committed	Head of Community & Environmental Services/Parks & Street Scene Manager
Litter	Clean Neighbourhoods and Environment Act 2005 Section 23 Environmental Protection Act 1990 Sections 94B and Schedule	Authority to authorise members of staff to issue fixed penalty notices for offences under this section	Head of Community & Environmental Services

	3A		
Litter	Clean Neighbourhoods and Environment Act 2005 Section 23 & Environmental Protection Act 1990 Sections 94B and Schedule 3A	Institute legal proceedings under Part 3	Head of Community & Environmental Services in consultation with Head of Corporate Services
Local Authority Waste Collection and Disposal	Environmental Protection Act 1990 Section 47ZA	Issue of fixed penalty notices for offences under Section 46 & 47	Waste and Recycling Manager/Waste & Recycling Officer
Local Authority Waste Collection and Disposal	Environmental Protection Act 1990 Section 59 and 59ZA	Service of notices	Environmental Health Officers
Local Authority Waste Collection and Disposal	Environmental Protection Act 1990 Section 33	Institute proceedings for the offence of depositing controlled waste on land	Head of Regulatory Services in consultation with Head of Corporate Services
Means of Escape	Building Act 1984 Section 72	Service of Notices, authority to authorise works in default.	Head of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers
Means of Escape	Building Act 1984 Section 72	Institute Proceedings.	Head of Regulatory Services in consultation with Head of Corporate Services
Motor Salvage	Vehicles (Crime) Act 2001 – Motor Salvage Operators Regulations 2002	Register and renew registration as motor salvage operators Serve notices of proposal to refuse registration as motor salvage operators Serve notices of proposal to cancel registration as motor salvage operators	Licensing Manager/Head of Regulatory Services
Motor Salvage	Vehicles (Crime) Act 2001 – Part 1	Institute proceedings	Head of Regulatory Services in consultation with Head of Corporate Services
Neighbourhood Planning	Localism Act 2011 Town & Country Planning Act 1990 Planning & Compulsory Purchase Act 2004 Neighbourhood Planning	Following consultation with the Local Ward Member – designation of an area as Neighbourhood Area following statutory publicity of the application for Neighbourhood Area designation and where no representations of objection	Planning Policy Manager/Corporate Director or Head of Regeneration and Policy in the absence of the Planning Policy Manager

	(General) Regulations 2012	are received during the publicity period	
Night Time Noise	Noise Act 1996	Service of warning notices and fixed penalty notices	All Environmental Health Officers
Night Time Noise	Noise Act 1996	Institute proceedings	Head of Regulatory Services in consultation with Head of Corporate Services
Noise	Noise Act 1996 Section 8B	Power to require the name and address of a person to whom a fixed penalty notice is to be issued	Environmental Health Officers
Noise - Construction Sites	Control of Pollution Act 1974	Power to enter premises To determine applications for prior consent Service of notices	Head of Regulatory Services/ Environmental Health Officers / Principal Officer – Environmental Health
Noise – Construction Sites	Control of Pollution Act 1974	Institute proceedings	Head of Regulatory Services in consultation with Head of Corporate Services
Nuisance & Abandoned Vehicles	Clean Neighbourhoods & Environment Act 2005 Sections 4 & 6	Issue of fixed penalty notices for repairing vehicles on a road	Environmental Health Officers Environmental Health Technicians
Nuisance & Abandoned Vehicles	Clean Neighbourhoods & Environment Act 2005 Section 7	Power to require the name and address of a person to whom a fixed penalty notice for the above mentioned offences is to be issued	Environmental Health Officers Environmental Health Technicians
Nuisance & Abandoned Vehicles	Clean Neighbourhoods & Environment Act 2005 Part 2	Institute legal proceedings under Part 2	Head of Regulatory Services in consultation with Head of Corporate Services
Performing Animals	Performing Animals (Regulations) Act 1925	Authority to enter premises and examine certificates	Head of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers
Persons in Need of Care	National Assistance Act 1948 S.47	To authorise the removal to suitable premises, persons in need of care and protection following receipt of a certificate from the Property Officer To appoint a Proper Officer	Head of Regulatory Services Chief Executive/Corporate

			Director
Pests – Rats and Mice	Prevention of Damage by Pests Act 1949	Service of Notices on owners or occupiers to secure action to rid premises of pests. Authority to authorise works in default.	All Environmental Health Officers
Petitions	-	Petitions Officer	Head of Corporate Services
Petitions	-	Decisions on ordinary petitions	Corporate Leadership team in consultation with the Committee Chairman and relevant Ward Member(s)
Petitions	-	Decisions on whether a petition is vexatious, abusive or otherwise inappropriate	Head of Corporate Services
		Authority to make minor amendments to the Council's Petitions Policy	Head of Corporate Services
Pollution Prevention and Control	Environment Act 1995	Powers to enter premises	Head of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Officers/Environmental Health Technicians
Pollution Prevention and Control	Environmental Permitting (England and Wales) Regulations 2010	Granting of Permits Variation of Permits Transfer of Permits Determine applications to surrender permits Service of request for information notices Maintain the Public Register Exclude information from the Public Register	Head of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers
Pollution Prevention and Control	Environmental Permitting (England and Wales) Regulations 2010	Refusal of Permits Revocation of Permits Service of enforcement notices Service of suspension notices Exercise power to prevent or remedy pollution	Head of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers

Pollution Prevention and Control	Environmental Permitting (England and Wales) Regulations 2010	Institute Proceedings	Head of Regulatory Services in consultation with Head of Corporate Services.
Pollution Prevention and Control	Environmental Protection Act 1990 – section 13	Service of enforcement notices	Environmental Health Officers
Pollution Prevention and Control	Environmental Protection Act 1990 – Section 14	Service of prohibition notices	Environmental Health Officers
Pollution Prevention and Control	Environmental Protection Act 1990 – section 117	Power to deal with cause of imminent danger of damage to the environment	Environmental Health Officers
Private Sector Housing	Housing Act 1985	Institute proceedings.	Head of Regulatory Services in consultation with the Head of Corporate Services

Private Sector Housing	Housing Act 1985	Authority to authorise works in default.	Head of Regulatory Services
Private Sector Housing	Housing Act 1985, Local Government Housing Act 1989, Housing Act 1996	Services of Demolition Orders, Overcrowding Notices	Head of Regulatory Services/ Environmental Health Officers
Private Sector Housing	Housing Act 1985	Powers to enter premises for the purpose of survey and examination.	Head of Regulatory Services/ Environmental Health Officers/Environmental Health Technicians
Private Sector Housing	Housing Act 2004, Sections 11 & 12	Service of improvement notices.	All Environmental Health Officers
Private Sector Housing	Housing Act 2004, Section 14	Suspension of improvement notices.	Head of Regulatory Services / Principal Officer – Environmental Health
Private Sector Housing	Housing Act 2004, Section 16	Revocation and variation of improvement notices.	Head of Regulatory Services / Principal Officer – Environmental Health
Private Sector Housing	Housing Act 2004, Section 17	Review of suspended improvement notices.	Head of Regulatory Services / Principal Officer – Environmental Health
Private Sector Housing	Housing Act 2004, Sections 20 & 21	Making of prohibition orders.	All Environmental Health Officers
Private Sector Housing	Housing Act 2004, Section 23	Suspension of prohibition orders.	Head of Regulatory Services / Principal Officer – Environmental Health

Private Sector Housing	Housing Act 2004, Section 25	Revocation and variation of prohibition orders.	Head of Regulatory Services / Principal Officer – Environmental Health
Private Sector Housing	Housing Act 2004, Section 26	Review of suspended prohibition orders.	Head of Regulatory Services / Principal Officer – Environmental Health
Private Sector Housing	Housing Act 2004, Sections 28 & 29	Service of hazard awareness notices	All Environmental Health Officers
Private Sector Housing	Housing Act 2004, Section 40	Authorisation of emergency remedial action	Head of Regulatory Services / Principal Officer – Environmental Health
Private Sector Housing	Housing Act 2004, Section 41	Service of notice of emergency remedial action	All Environmental Health Officers
Private Sector Housing	Housing Act 2004, Section 42	Recovery of expenses following emergency remedial action.	Head of Regulatory Services / Principal Officer – Environmental Health
	Housing Act 2004, Section 43	Making of emergency prohibition orders.	All Environmental Health Officers
	Section 265 Housing Act 1985	Making of demolition orders.	Head of Regulatory Services
	Housing Act 2004	Institute legal proceedings under Part 1.	Head of Regulatory Services in consultation with Head of Corporate Services
Private Sector Housing	Housing Act 2004	Recovery of expenses under Part 1.	Head of Regulatory Services/ Principal Officer – Environmental Health
	Housing Act 2004, Section 62	Grant and renewal of temporary exemptions.	Head of Regulatory Services/ Principal Officer – Environmental Health
	Housing Act 2004, Section 64	Grant and refusal of licences.	Head of Regulatory Services/ Principal Officer – Environmental Health
	Housing Act 2004, Section 67	Imposition of conditions on licences.	Head of Regulatory Services/ Principal Officer – Environmental Health
	Housing Act 2004, Section 69	Variation of licences.	Head of Regulatory Services/ Principal Officer – Environmental Health
	Housing Act 2004, Section 70	Revocation of licences.	Head of Regulatory Services/ Principal Officer – Environmental Health
	Housing Act 2004	Institute legal proceedings under Part II.	Head of Regulatory Services in consultation with Head of Corporate Services
	Housing Act 2004,	Application for rent	Head of Regulatory

	Section 73	repayment order.	Services/ Principal Officer – Environmental Health
	Housing Act 2004, Section 88	Grant and refusal of licence.	Head of Regulatory Services/ Principal Officer – Environmental Health
	Housing Act 2004, Section 90	Imposition of conditions on licences.	Head of Regulatory Services/ Principal Officer – Environmental Health
	Housing Act 2004, Section 92	Variation of licences.	Head of Regulatory Services/ Principal Officer – Environmental Health
	Housing Act 2004, Section 93	Revocation of licences	Head of Regulatory Services/ Principal Officer – Environmental Health
	Housing Act 2004	Institute legal proceedings under Part III.	Head of Regulatory Services in consultation with Head of Corporate Services
	Housing Act 2004, Section 96	Application for rent repayment order.	Head of Regulatory Services/ Principal Officer – Environmental Health
	Housing Act 2004, Section 102	Application for Interim Management Orders.	Head of Regulatory Services/ Principal Officer – Environmental Health
	Housing Act 2004, Section 103	Application for special Interim Management Orders.	Head of Regulatory Services/ Principal Officer – Environmental Health
	Housing Act 2004, Section 111	Variation of Interim Management Orders.	Head of Regulatory Services/ Principal Officer – Environmental Health
	Housing Act 2004, Section 112	Revocation of Interim Management Orders.	Head of Regulatory Services/ Principal Officer – Environmental Health
	Housing Act 2004, Section 113	Making of Final Management Orders.	Head of Regulatory Services/ Principal Officer – Environmental Health
	Housing Act 2004, Section 121	Variation of Final Management Orders.	Head of Regulatory Services/ Principal Officer – Environmental Health
	Housing Act 2004, Section 122	Revocation of Final Management Orders.	Head of Regulatory Services/ Principal Officer – Environmental Health
Private Sector Housing	Housing Act 2004, Section 131	Power of entry to carry out works.	All Environmental Health Officers and Environmental Health Technicians
	Housing Act 2004, Section 133	Application for Interim Empty Dwelling Management Order.	Head of Regulatory Services/ Principal Officer – Environmental Health

	Housing Act 2004, Section 136	Making of Final Empty Dwelling Management Order.	Head of Regulatory Services
	Housing Act 2004, Section 139	Service of overcrowding notices.	All Environmental Health Officers
	Housing Act 2004, Section 144	Revocation and variation of overcrowding notices.	Head of Regulatory Services/ Principal Officer – Environmental Health
	Housing Act 2004, Section 235	Power to require information	All Environmental Health Officers
	Housing Act 2004, Section 239	Power of entry.	All Environmental Health Officers and Environmental Health Technicians
	Housing Act 2004, Section 240	Application for warrant.	All Environmental Health Officers
	Housing Act 2004, Section 241	Institution of legal proceedings for obstruction.	Head of Regulatory Services in consultation with the Head of Corporate Services
Protection of Buildings	Local Government (Misc Provisions) Act 1982	Powers to enter premises.	Head of Regulatory Services/Environmental Health Officers/ Environmental Health Technicians
Protection of Buildings	Local Government (Misc Provisions) Act 1982 Sections 29-32	Service of Notices, authority to authorise works in default.	Head of Regulatory Services/Principal Officer-Environmental Health/All Environmental Health Officers
Protection of Trees	Town & Country Planning Act 1990	To make and sign provisional Tree Preservation Orders and to confirm or vary unopposed orders. To approve or refuse applications to lop or fell trees protected by a Tree Preservation Order. To respond to notifications relating to the felling or pruning of trees in Conservation Areas.	Head of Regulatory Services /Planning Policy Manager/ Development Manager
Provision of sanitary conveniences at places of entertainment etc.	Local Government (Miscellaneous Provisions) Act 1976	Authority to appoint authorised officers To act as Authorised Officers To serve occasional or continuous notice To institute legal	Head of Regulatory Services All Environmental Health Officers/ Environmental Health Technicians Head of Regulatory Services Head of Regulatory Services in consultation with Head of Corporate Services

		proceedings	
Public Health – Filthy and Verminous premises and articles	Public Health Act 1936 Sections 84 and 85	Authority to appoint a proper officer To exercise the powers under Sections 84 and 85 of the Act as amended by an enactment.	Chief Executive/Corporate Director / Head of Regulatory Services Head of Regulatory Services/ all Environmental Health Officers and Environmental Health Technicians
Public Health – Disinfestations of verminous articles offered for sale	Public Health Act 1961 Section 37	Authority to appoint a proper officer.	Chief Executive/Corporate Director / Head of Regulatory Services
Public Health Inspector	Any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972	Proper Officer – role of Public Health Inspector	Head of Regulatory Services
Public Space Protection Orders	Public Space Protection Orders 2018	To authorise Officers to undertake associated enforcement duties.	Head of Community & Environmental Services
Re-possession and Rent Arrears		In consultation with Chairman and Vice-Chairman of the appropriate Committee, to initiate proceedings for re-possession of properties and the recovery of rent arrears.	Chief Financial Officer
Review Procedure	Housing Act 1996	To carry out requests for reviews either from people who have applied for Council accommodation or appeals against homelessness decisions	Head of Housing/Housing Strategy Officer
Rights of Way	Town and Country Planning Act 1990 S259 Highways Act 1980 S118 & S119	To promote and confirm Orders to create, divert or close footpaths following consultation with Ward Members.	Head of Corporate Services

Road Closures	Town Police Closures Act 1847	In consultation with emergency services, Derbyshire County Council and Ward Members to take appropriate steps to temporarily close roads.	Licensing Manager / Head of Regulatory Services
Ruinous and Dilapidated Buildings	Building Act 1984 Section 79	Service of notices, authority to authorise works in default	Head of Regulatory Services/All Environmental Health Officers
Stall Markets	Local Government (Miscellaneous Provisions) Act 1982	To approve Stall Market Licences	Head of Community & Environmental Services
Smoke Free Regulations	Section 10 Health Act 2006	To act as authorised officers	All Environmental Health Officers/Principal Officer – Environmental Health/Environmental Health Technicians
Smoke Free Regulations	Section 9 Health Act 2006	Issue of penalty notices under Sections 6(5) and 7(2)	All Environmental Health Officers/Principal Officer – Environmental Health/ Environmental Health Technicians
Smoke Free Regulations	Health Act 2006	Institute legal proceedings for offences under Part 1 of the Health Act 2006	Head of Regulatory Services in consultation with Head of Corporate Services
Statutory Nuisances	Environmental Protection Act 1990 Pt. III	Power to enter premises To serve Abatement Notices	Head of Regulatory Services/All Environmental Health Officers/ Environmental Health Technicians Head of Regulatory Services/ All Environmental Health Officers
Statutory Nuisances	Environmental Protection Act 1990 Part III	To authorise works in default, serve notice of intention to recover expenses To recover expenses	Head of Regulatory Services Chief Financial Officer
Statutory nuisances	Environmental Protection Act 1990 Pt. III	Institute proceedings	Head of Regulatory Services in consultation with Head of Corporate Services

Stray Dogs	Environmental Protection Act 1990 S.149	Authorised officer with powers to seize and detain stray dogs	Head of Community & Environmental Services
Stray Dogs		To approve an increase in kennelling fees where necessary	Head of Community & Environmental Services
Street Naming & Numbering	Public Health Act 1925 S17 & 18	To name or rename streets and impose numbering schemes in consultation with Ward Members.	Head of Corporate Services
Street Trading	Local Government (Miscellaneous Provisions) Act 1982	Authority to approve trading on Consent Streets	Head of Regulatory Services / Licensing Manager
Street Trading Orders		To authorise prosecutions for contraventions of Orders following an unheeded warning letter.	Head of Regulatory Services in consultation with the Head of Corporate Services
Sunday Trading	Sunday Trading Act 1994	To receive all Notices. To institute legal proceedings.	Head of Regulatory Services / Principal Officer Environmental Health Head of Regulatory Services in consultation with Head of Corporate Services
Sunday Trading	Sunday Trading Act 1994	To designate area "a loading control area" Authority to appoint inspectors as detailed in Schedule 2 part 1 paragraph 2	Head of Regulatory Services / Principal Officer Environmental Health Chief Executive/Corporate Director
Temporary Road Closures for Events on the Highway	Town Police Clauses Act 1847	To make Road Closure Orders.	Licensing Manager / Head of Regulatory Services
Transport of Waste	Control of Pollution (Amendment) Act 1989 Section 5	Authority to stop, search and seize vehicles	Head of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers
Transport of Waste	Control of Pollution (Amendment) Act 1989 Section 5	Power to require the name and address of a person whose vehicle has been stopped, searched or seized	Head of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Officers
Transport of Waste	Control of Pollution (Amendment) Act	Issue of fixed penalty notices for offences under this section	Head of Regulatory Services/ Principal Officer – Environmental

	1989 Section 5		Health/Environmental Health Officers
Transport of Waste	Control of Pollution (Amendment) Act 1989 Section 5	Institute proceedings	Head of Corporate Services in consultation with Head of Regulatory Services
Travellers/ Unauthorised Campers	Criminal Justice & Public Order Act 1994 S77, 78 &79	Serving of Notices ordering the removal of persons and vehicles from land.	Head of Regulatory Services in consultation with Head of Corporate Services
Travellers/Unauthorised Campers	Civil Procedures Rules Part 55	Applications for Possession Orders	Head of Regulatory Services in consultation with the Head of Corporate Services
Waste – Commercial	Environmental Protection Act 1990 Section 34A	Issue of fixed penalty notices for offences under Sections 34 & 34A	Head of Community & Environmental Services / Waste & Recycling Manager/ Waste Management and Recycling Officer
Waste - Deposit and Disposal	Environmental Protection Act 1990 Section 34A	Issue of fixed penalty notices for offences under this section	Environmental Health Officers
Waste - Deposit and Disposal	Environmental Protection Act 1990 Section 34B	Authority to stop, search and seize vehicles	Head of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers
Waste - Deposit and Disposal	Environmental Protection Act 1990 Section 34B	Power to require the name and address of a person whose vehicle has been stopped	Head of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers/Environmental/ Environmental Health Technicians
Waste - Deposit and Disposal	Environmental Protection Act 1990 Section 34B	Institute proceedings	Head of Community & Environmental Services in consultation with Head of Corporate Services and the Head of Regulatory Services
Waste and Litter	Environment Act 1995	Power to enter premises	Head of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers/ Environmental Health Technicians
Waste and Litter	Environmental Protection Act 1990, Section 59	Service of notices, authorisation of works in default, emergency removal of waste	Head of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers
Waste and Litter	Control of Pollution (Amendment) Act	Powers to stop and search vehicles	Head of Regulatory Services/Principal Officer – Environmental Health/

	1989		Environmental Health Officers
Waste and Litter	Control of Pollution (Amendment) Act 1989	Make applications for warrants to seize vehicles	Head of Regulatory Services in consultation with Head of Corporate Services
Waste Contract	-	Authority to appoint consultancy support in procurement of waste contract	Head of Community & Environmental Services in consultation with S151 Officer/Chair & Vice Chair Community & Environment Committee
Water Supplies	Public Health Act 1936	Authority to apply for Court Orders to close a water supply and to implement the Order	Head of Regulatory Services / Principal Officer – Environmental Health
Water Supplies	Water Industry Act 1991 Section 77 and 78	To exercise the local authority's duties in relation to public water supplies	Head of Regulatory Services / Principal Officer – Environmental Health
Water Supplies	Water Industry Act 1991 section 84	Powers to enter premises, to carry out such inspections, measurements and tests as appropriate	Head of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Officers/ Environmental Health Technicians
Water Supplies	Water Industry Act 1991 section 80	Service of notices requiring the improvement of private water supplies	Head of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers/ Environmental Health Technicians
Water Supplies	Water Industry Act 1991 section 82	Authorisation of works in default	Head of Regulatory Services / Principal Officer – Environmental Health
Water Supplies	Water Industry Act 1991 section 85	Service of notices requiring the provision of information	Head of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers/ Environmental Health Technicians
Water Supplies	Private Water Supplies Regulations 2009 regulation 17	Granting of authorisations if different standards	Head of Regulatory Services / Principal Officer – Environmental Health
Water Supplies	Private Water	Service of notices in	Head of Regulatory Services/ Principal Officer –

	Supplies Regulations 2009 regulation 18	respect of supplies that constitute a potential risk to human health	Environmental Health/Environmental Health Officers/ Environmental Health Technicians
Water Supplies	Private Water Supplies Regulations 2009 regulation 18	Institute proceedings	Head of Regulatory Services in consultation with Head of Corporate Services
Women's Tour of Britain grant fund	-	To determine distribution of the Women's Tour of Britain grant fund	Head of Community & Environmental Services

GOVERNANCE AND RESOURCES COMMITTEE

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

Priorities

- **Make savings necessary to achieve a sustainable budget**

Service Areas within the remit of this Committee are:-

Regeneration and Policy Services

- **Public Consultation programme**
- **Equalities programme**
- **Service Review programme**
- **Transformation**

Corporate Services

- **Central Support Services**
- **Electoral Management**
- **Legal and Corporate Governance**
- **Procurement**
- **Land charges**

Resources

- **Financial Governance**
- **Internal and External Audit**
- **Asset Management**
- **Revenues and Benefits**
- **ICT**
- **Risk Management**
- **Data Protection and Information Governance**

Strategic HR

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

1. To make recommendations to Council on the development of appropriate plans and strategies (including budgetary proposals) in relation to all service within the remit of this Committee in order to carry out the purposes of this Committee.
2. To make recommendations to and advise the Council on policy within the Committee's remit including the introduction of new policies or amendments to existing ones.
3. To be responsible for the effective management of services for which the Committee has responsibility.
4. To be accountable for the efficient use of resources under its control subject to virement levels.

5. To recommend to Council any amendments to the annual Pay Policy Statement
6. To undertake the role of the standards committee and to consider requests for dispensations on the requirement to withdraw from a meeting where:
 - The political balance would be upset
 - Where the dispensation may affect the interests of persons living in the District
 - Conduct hearings to determine allegations concerning the misconduct of elected members
7. To develop appropriate policy and procedures in relation to the Community Right to Bid and the Council's responsibilities for the List of Assets of Community Value.
8. To undertake the role of Audit Committee and provide assurance of the adequacy of the risk management framework and associated control environment.
9. To approve the Council's Annual Governance Statement and Statement of Accounts
10. To consider the External Auditor's report on issues arising from the Audit of Accounts, the External Audit Plan, the Annual Audit Letter etc.
11. To monitor, develop and amend procedures where appropriate to provide for the efficient, democratic and financial management of the Council
12. To have an overview of the Corporate Governance framework and to develop and review supporting policies and procedures
13. To have an overview of the complaints procedure in relation to official complaints at service delivery level and to review the annual report of the Local Government Ombudsman
14. To receive and act upon reports from the Commission for Local Administration in England (the Ombudsman) where there has been a critical finding on a service within the Committee's remit.
15. To determine applications to use the Council's land and facilities where objections have been received, for which the Committee has responsibility.
16. To set fees and charges for providing all Council services
17. To approve arrears for write-off where necessary
18. To consider reports of the proceedings of the Joint Consultative Group.
19. To be responsible for the effective management of the Council's land, buildings and property holdings.

OFFICER DELEGATION – GOVERNANCE AND RESOURCES COMMITTEE

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

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

Subject	Act	Functions Delegated	Officer
Byelaws	Local Government Act 1972 S238	Proper Officer - to certify printed copies of byelaws	Head of Corporate Services
Complaints	-	To determine restrictions to be applied to complaints in accordance with the Persistent and Unreasonable Complaints Policy.	Head of Corporate Services/ Chief Executive (where primary contact has a conflict of interest)
Complaints re: Elected Member Behaviour		Proper officer to receive complaints of failure to comply with the Code of Conduct	Monitoring Officer
Contracts - General		Authority to accept alternative tenders in respect of any contract in the event of a withdrawal before the contract is complete.	Corporate Leadership Team
Cheque Signatories		To sign cheques on behalf of the Council	Head of Corporate Services/Head of Resources/Financial Services Manager
Chief Financial Officer	Local Gov Finance Act 1988 S.112, Local Gov Act 1972 S.151	Statutory designation	Head of Resources Deputy: Financial Services Manager
Council Tax	Local Government Finance Act 1992 – Section 13A (1) (c)	To determine applications for such reliefs with a maximum cost of £1,500 per award per year.	Chief Financial Officer
Council Tax Discretionary Relief	Local Government Finance Act 1992: Council Tax Discretionary Relief – Section 13A (1) (c)	To reject or approve Discretionary Rate Relief in accordance with policy.	Head of Resources and Head of Corporate Services (where primary contact is absent or has a conflict of interest)
Council Tax & Non-Domestic Rates	Local Gov Finance Act 1992 S.14	To institute committal proceedings and to execute warrants of arrest with bail as necessary	Head of Resources
Council Tax Support Scheme	Local Government Finance Act 1992	The administration of the Council Tax Support Scheme (including decisions on the backdating of claims and determining amounts of Hardship Relief to be	Head of Resources/Benefits Manager (Arvato) /Benefits Technical Officer (Arvato)

Subject	Act	Functions Delegated	Officer
		awarded under the scheme)	
Housing Benefit First Tier Tribunals	The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 Tribunals, Courts & Enforcement Act 2007	Authority to represent the Council in appeal hearings at First Tier Tribunals convened by the Department of Justice	Benefits Manager (Arvato)/Benefits Technical Officer (Arvato)
Non Domestic Rates	Local Government Finance Act 1988 The Non Domestic Rating (Rates Retention) Regulations 2013	The Calculation and notification of non – domestic rating income and other amounts	Chief Financial Officer
Councillors	Local Government Act 1972 S83(1-3)	Proper Officer – to witness and receive declarations of acceptance of office made by the Chairman of the Council and Councillors of the District.	Chief Executive or Head of Corporate Services in his/her absence.
Councillors	S84	To receive written notice of resignation from the Office of Chairman or Councillors	Chief Executive or Head of Corporate Services in his/her absence.
Councillors	Sch 12(4,3)	To receive written notice of a Member's address.	Head of Corporate Services
Councillors	Sch 12(42b)	To sign a summons to attend meetings of the Council	Head of Corporate Services
County Court Proceedings	-	Authority to represent the Council in hearings at County Court	Revenues Manager (Arvato) / Business Rates Technical Officer (Arvato) /Recovery Team Leader (Arvato) /Operational Revenues Manager (Arvato) / Senior Legal Assistant (Arvato)

Subject	Act	Functions Delegated	Officer
Data Protection	Data Protection Act 1998	To ensure compliance with the Data Protection Act and to respond to specific requests for information and issuing decision notices. To deal with complaints and appeals arising from matters relating to information requests. Data Protection Officer	Head of Resources Head of Corporate Services Head of Resources (When absent: Chief Executive)
Discipline - formal warnings	-	To issue formal warnings in accordance with the Disciplinary Procedure.	Corporate Leadership Team
Discipline - dismissal	-	To dismiss employees in accordance with the Disciplinary Procedure.	Corporate Leadership Team
Dispensations	Localism Act	To grant dispensations from the requirement to withdraw from a meeting in circumstances where so many of the decision making bodies have DPI's in a matter that would impede transaction of business.	Head of Corporate Services
Elections	Local Government Act 1972 S41(1) Local Government Act 1972 S89(1b)	Proper Officer to act as Returning Officer for District and Parish Council Elections. Proper Officer for the receipt of written notice of a casual vacancy of Councillor for the District.	Head of Corporate Services Deputy – Chief Executive
Electoral Registration		Proper Officer - role of Registration Officer	Head of Corporate Services
Fees and Charges	-	To increase charges for documents produced by the Planning Services Section to reflect the prevailing rate of inflation and any other increase in costs of reproduction.	Development Manager/ Principal Planner
Finance – Proper Officer		Administration arrangements in relation to the Council's liabilities for: <ul style="list-style-type: none"> • Income Tax • VAT • National Insurance 	Chief Financial Officer

Subject	Act	Functions Delegated	Officer
Finance – Proper Officer		To authorise opening of bank and investment accounts	Head of Resources
Financial Officer	Any enactment, with the exception of the Local Gov Finance Act 1988 S.112 (Local Gov Act 1972 S.151)	Proper Officer - role of Responsible Financial Officer.	Head of Resources Deputy: Financial Services Manager
Freedom of Information	Freedom of Information Act 2000	To ensure compliance with the Freedom of Information Act 2000 including: Developing, implementing, monitoring and correcting minor errors to the publication scheme required by the Freedom of Information Act 2000 Responding to specific requests for information and issuing decision notices.	Solicitor
Freedom of Information	Freedom of Information Act 2000	To deal with complaints and appeals arising from matters relating to information requests	Head of Corporate Services
Head of Paid Service	Local Gov & Housing Act 1989 S.4	Statutory designation	Chief Executive
Interest in Land	Local Gov (Misc Prov) Act 1976 S.16	To issue Notices requiring information as to a person's interest in land	Head of Corporate Services/ Corporate Director/ Licensing Manager/ Head of Regulatory Services/ Principal Officer – Environmental Health/All Environmental Health Officers/ Environmental Health Technicians
Interest in Land	Local Gov (Misc Prov) Act 1976	Institute proceedings for failure to return Requisitions for Information	Head of Corporate Services
Internal Audit	Account & Audit Regulations 1996 & Local Government Finance Act 1982 S23	Responsibility for the maintenance of effective and adequate systems of internal audit.	Head of Resources

Subject	Act	Functions Delegated	Officer
Land - permission to use for ancillary purposes	-	In consultation with Ward Members to determine applications to temporarily occupy Council Land for ancillary purposes i.e. fairs, circuses, promotional vans and trailers and to set appropriate rental.	Head of Resources/ Head of Community & Environmental Services
Land Transactions	All relevant	To grant licences, periodic tenancies and leases (for less than 10 years) at a fee/rental not exceeding £25,000 per annum.	Estates and Facilities Manager
Land Transactions	All relevant	To grant or obtain easements, rights of way, rights of light and wayleaves; to consent assignments, sub-lettings and surrenders.	Estates and Facilities Manager
Land Transactions	All relevant	To approve the sale of land where the estimated value is less than £25,000.	Estates and Facilities Manager in accordance with consultation provisions contained in the Policy for Disposal of Land.
Legal Proceedings	All relevant	To authorise the institution, defence or participation in any legal proceedings in any case where such action is necessary to give effect to decisions of the Committee where such action is necessary to protect the Council's interests.	Head of Corporate Services
Magistrates' Court	Local Gov Act 1972 S223 S1	Proper Officer to prosecute or defend on behalf of the Council in proceedings before Magistrates' Courts.	Senior Solicitor/Solicitor/Revenues Manager (Arvato)/Business Rates Technical Officer (Arvato)/Recovery Team Leader (Arvato)/Operational Revenues Manager (Arvato)/Senior Legal Assistant (Arvato)
Members' Interests	Local Gov Act 1972 S.96	Proper Officer for receipt of notifications of interest in contracts etc.	Head of Corporate Services
Money Laundering	Money Laundering Regulations 2017	Money Laundering Reporting Officer	Chief Financial Officer
Monitoring Officer	Local Gov & Housing Act 1989 S.5	Statutory designation	Head of Corporate Services
Mortgage		Determination of	Head of Resources

Subject	Act	Functions Delegated	Officer
Advances		applications for eligibility for a mortgage advance from owner/occupiers	Deputy: Financial Services Manager
Mortgages – Local Average Rate	Housing Act 1985 S.438(1) (a), (b) & (c)	To declare a rate applicable to advances and transfers under the Act To declare a rate applicable to sums left outstanding on disposal of house	Chief Financial Officer
National Non Domestic Rates	Local Gov Finance Act 1988 (Section 49)	Determination of applications for hardship relief	Chief Financial Officer
National Non Domestic Rates	Local Gov Finance Act 1988 (Section 47)	Determination of applications for discretionary rate relief	Chief Financial Officer
National Non Domestic Rates		Determination of applications for relief under the temporary revaluation relief scheme for business rate revaluation 2017	Chief Financial Officer
Parish Council Reimbursable Expenditure		To determine if a parish will not be eligible for reimbursable expenditure where it has three years precept in its balances, or £50,000, whichever is the lower, unless there are exceptional reasons	Head of Resources
Petitions	-	Decisions on ordinary petitions	Corporate Leadership Team
Petitions	-	Decisions on whether a petition is vexatious, abusive or otherwise inappropriate	Head of Corporate Services
Petitions	-	Authority to make minor amendments to the Council's Petitions Policy	Head of Corporate Services
Planning Applications - Land Acquisition	Town & Country Planning Act 1990	To submit planning applications in relation to the development of Council owned land.	Head of Resources, Head of Community & Environmental Services
Procurement	-	To approve the procurement of goods and services in accordance with Contract Standing Orders and Financial	Corporate Leadership Team

Subject	Act	Functions Delegated	Officer
		Regulations	
Recruitment	-	To fill vacant posts on current establishment with prior consent of the Chief Executive.	Corporate Leadership Team
Re-grading of Posts	-	To determine appeals for re-grading in line with procedure for Grading Appeals and in agreement with the Chief Executive.	Corporate Leadership Team
Re-possession and Rent Arrears		In consultation with Chairman and Vice-Chairman of the appropriate Committee, to initiate proceedings for re-possession of properties and the recovery of rent arrears	Head of Corporate Services
RIPA	Regulation of Investigatory Powers Act	To be designated persons for the granting of authorisations	Head of Regulatory Services/Head of Housing/ Head of Community & Environmental Services
RIPA	Regulation of Investigatory Powers Act	To act as RIPA Monitoring Officer	Solicitor
RIPA	Regulation of Investigatory Powers Act	To suspend authority to grant authorisations if training not undertaken.	Solicitor
RIPA	Local Government Act 1972 S223 Regulation of Investigatory Powers Act 2000	Authority to appear in the Magistrates Court on behalf of the Council to apply for judicial approval for authorisation to obtain or disclose communications data, to use a covert intelligence source or to conduct directed surveillance.	Senior Investigations Officer Investigations Officer
Rural Rate Relief	Local Gov & Rating Act 1997 (Section 1)	Authority to grant the extended provisions of the rural rate relief regulations	Chief Financial Officer
Rural Rate Relief	Local Gov & Rating Act 1997 (Section 1)	Annual review of the Rural Settlement List	Chief Financial Officer
Sealing of Documents		Proper Officer responsible for the recording and signing of documents under the Council's Common Seal.	Head of Corporate Services or Chief Executive in his/her absence/Solicitor in his/her absence
Selection of Panel Members	-	To select Members of the Committee to serve as a Sub – Committee in relation to Hearings	Monitoring Officer in consultation with Chair of Standards Committee (Corporate Committee)

Subject	Act	Functions Delegated	Officer
Surveyor/ Engineer	Any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972	Proper Officer - role of Surveyor or Engineer.	Corporate Director
Treasurer	Any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972	Proper Officer - role of Treasurer	Chief Financial Officer
Valuation Office Agency Hearings	Local Government Finance Act 1992	Authority to represent the Council in hearings at the Valuation Office Agency	Benefits Manager (Arvato)/ Benefits Technical Officer (Arvato)/Business Rates Technical Officer (Arvato)/Council Tax Technical Officer (Arvato)/Revenues Manager (Arvato)

JOINT CONSULTATIVE GROUP

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

PLANNING COMMITTEE

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

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

Terms of Reference

For that part of the District where the Council is the local planning authority:-

1. To determine all matters relating to the control of development under the Town and Country Planning Acts (and Regulations there under)
2. For that part of the District where the Peak District National Park Authority is the planning authority –

To comment upon applications within the Peak District National Park area where such applications have a substantial environmental impact extending beyond the boundaries of the National Park Area. Consideration of any such application will be by either Committee depending upon the timing of ordinary meetings.

3. To determine the levels of delegation to officers within the Committee's remit.
4. To monitor enforcement activity to regulate development approved or otherwise in the Planning Authority's area

OFFICER DELEGATIONS - PLANNING COMMITTEES

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

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

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

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

Subject	Act	Functions Delegates	Officer
Advertisements	Town and Country Planning Act 1990 S. 224 and 225	<p>To remove, obliterate or discontinue the display of advertisements displayed in contravention of the Town and Country Planning (Control of Advertisements) Regulations 2007</p> <p>To initiate proceedings up to and including prosecution</p>	<p>Development Manager/ Principal Planner</p> <p>Development Manager in consultation with Ward Member</p>
Dangerous Trees	Local Gov (Misc Provisions) Act 1976 S23(3)	To serve notice requiring owners or occupiers of land on which there is a dangerous tree to make it safe in cases of imminent danger to carry out remedial works and to recover reasonable costs.	Head of Regulatory Services/Development Manager/ Principal Planner
Development Control	<p>Town & Country Planning Act 1990</p> <p>Planning (Listed Buildings and Conservation Areas) Act 1991</p>	<p>To determine applications of the following types:</p> <ul style="list-style-type: none"> ■ Full and Outline planning applications. ■ Applications for Approval of Reserved Matters ■ Advertisement Consent Applications. ■ Listed Building Applications. ■ Certificates of Lawful Proposed use or Development. ■ Certificate of Lawful Existing Use or Development Prior to Approval ■ Agricultural prior Notifications. ■ Circular 18/84 Notifications (development by Government Departments). ■ Notifications Under the Electricity Act 1989 (Overhead Lines). ■ Hedgerow Notifications. ■ Applications for Hazardous Substance Consent. ■ Discharge of Condition applications. ■ Certificates of Appropriate Alternative Development. ■ Ecclesiastical Notifications ■ Minor Material Amendments (S.73) ■ Extension of Time Limits. ■ Where an application has been previously refused and 	Development Manager/ Head of Regulatory Services/ Principal Planner

Subject	Act	Functions Delegates	Officer
		<p>the reasons for refusal have not been satisfactory addressed</p> <ul style="list-style-type: none"> ■ Agricultural Buildings ■ Any minor variation or revision to an approved application 	
Development Control	Town & Country Planning Act 1990	In consultation with the appropriate Ward Member(s), to respond to consultations on all types of applications determined by other Planning Authorities. Power to decline to determine applications	Development Manager/ Head of Regulatory Services/Principal Planner
Development Control	General Permitted Development Order 1995 Schedule 2, Part 5 Town and Country Planning Act 1990	To respond to consultations from exempted organisations relating to the use of land as a caravan site.	Development Manager/ Head of Regulatory Services/Principal Planner
Development Control	Town and Country Planning Act 1990	Power to decline to determine applications	Development Manager/ Head of Regulatory Services/Principal Planner
Development Control	Town and Country Planning Act 1990	Demolition Prior Notifications	Development Manager/ Head of Regulatory Services/Principal Planner
Enforcement	Town & Country Planning Act 1990	<p>To determine applications for non-material amendments (S. 96A) and/or additional details in respect of proposals previously granted planning permission.</p> <p>To lodge objections to the granting of Vehicle Operators' Licences.</p> <p>To remove or obliterate illegally displayed advertisement material.</p> <p>To issue Planning Contravention Notices.</p> <p>To withdraw Planning Contravention Notices.</p> <p>To issue Breach of Condition Notices.</p> <p>To issue Stop Notices.</p> <p>To withdraw Breach of Condition</p>	Development Manager/ Head of Regulatory Services/Principal Planner

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

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

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

ERNEST BAILEY CHARITY COMMITTEE

Terms of Reference

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

LICENSING AND APPEALS COMMITTEE

Service Areas within the Committee's remit

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

Terms of Reference

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

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

OFFICER DELEGATIONS – LICENSING & APPEALS COMMITTEE

Subject	Act	Functions Delegated	Officer
Animal Welfare Licences	Animal Boarding Establishment Act 1963	To issue or refuse licences. To authorise Officers, Technicians veterinary surgeons or practitioners. To institute legal proceedings.	Licensing Manager/ Head of Regulatory Services Chief Executive/Corporate Director / Head of Regulatory Services Head of Corporate Services in consultation with Head of Regulatory Services
	Dangerous Wild Animals Act 1976	To authorise Officers, Technicians and other competent persons. To institute legal proceedings.	Chief Executive/Corporate Director
	Dangerous Wild Animals Act 1976 (Modification) Order 1984	To issue or refuse licences. To seize, restrain, destroy or dispose of any dangerous wild animal which is being kept without the benefit of a licence.	Licensing Manager/ Head of Regulatory Services Head of Regulatory Services/Licensing Manager/Principal Officer – Environmental Health
Animal Welfare Licences	Breeding of Dogs Act 1973 and 1991 Breeding and Sale of Dogs (Welfare) Act 1999	To authorise Officers, Technicians, veterinary surgeons or practitioners.	Head of Regulatory Services
	The Breeding of Dogs (Licensing Records) Regulations 1999	To institute legal proceedings To issue, refuse licences.	Head of Corporate Services in consultation with Head of Regulatory Services Licensing Manager/ Head of Regulatory Services
	Pet Animals Act 1951 as amended by Pet	To authorise Officers, Technicians, veterinary surgeons or practitioners.	Head of Regulatory Services

Subject	Act	Functions Delegated	Officer
	<p>Animals Act 1951 (Amendment) Act 1983</p> <p>Riding Establishments Act 1964 and 1970</p>	<p>To institute legal proceedings.</p> <p>To issue, refuse licences.</p> <p>To issue or refuse full licences.</p> <p>To issue provisional licences.</p> <p>To authorise Officers, Technicians, veterinary surgeons or practitioners.</p>	<p>Head of Corporate Services in consultation with Head of Regulatory Services</p> <p>Licensing Manager/Head of Regulatory Services</p> <p>Licensing Manager/Head of Regulatory Services</p> <p>Licensing Manager/Head of Regulatory Services</p> <p>Head of Regulatory Services</p>
	Zoo Licensing Act 1981	<p>To institute legal proceedings.</p> <p>To issue, refuse, renew, transfer, alter licences.</p> <p>To institute legal proceedings.</p> <p>Power to enter premises.</p>	<p>Head of Corporate Services in consultation with Head of Regulatory Services</p> <p>Head of Regulatory Services/ Licensing Manager</p> <p>Head of Corporate Services in consultation with Head of Regulatory Services</p> <p>Head of Regulatory Services/ Environmental Health Officers/ Environmental Health Technicians</p>
Appeals Committees		To select Members to serve on Sub-Committees to determine matters within the Committee's remit	Head of Corporate Services
Application for a Provisional Statement	Gambling Act 2005	Where no representations received/representations have been withdrawn	Head of Regulatory Services/ Licensing Manager

Subject	Act	Functions Delegated	Officer
Application for club gaming/club machine permits	Gambling Act 2005	Where no objections have been made/objections have been withdrawn	Head of Regulatory Services/ Licensing Manager
Application for other Permits	Gambling Act 2005	To determine applications for other permits under the Gambling Act 2005	Head of Regulatory Services/ Licensing Manager
Application for Interim Authority	Licensing Act 2003, Sections 47, 48 and 49	Determine application if no police objections are raised	Head of Regulatory Services/ Licensing Manager
Application for Personal Licence	Licensing Act 2003, Section 120	Determine application if no police objections are raised	Head of Regulatory Services/ Licensing Manager
Application for Premises Licence/Club Premises Certificate	Licensing Act 2003, Sections 18 and 72	Determine application if no relevant representations made.	Head of Regulatory Services/ Licensing Manager
Application for Provisional Statement	Licensing Act 2003, Section 31	Determine application if no relevant representations made.	Head of Regulatory Services/ Licensing Manager
Application for transfer of Premises Licence	Licensing Act 2003, Section 44	Determine application if no police objections are raised	Head of Regulatory Services/ Licensing Manager
Application to be removed as Designated "Premises Supervisor"	Licensing Act 2003, Section 41	Determine application	Head of Regulatory Services/ Licensing Manager
Application to transfer a Premises Licence	Gambling Act 2005	Where no representations have been received from the Commission	Head of Regulatory Services/ Licensing Manager
Application to vary a Premises Licence	Gambling Act 2005	Where no representations received/representations have been withdrawn	Head of Regulatory Services/ Licensing Manager
Application to vary Designated Personal Licence Holder	Licensing Act 2003, Section 39	Determine application if no police objections are raised	Head of Regulatory Services/ Licensing Manager

Subject	Act	Functions Delegated	Officer
Application to vary Premises Licence/Club Premises Certificate	Licensing Act 2003, Sections 35 and 85	Determine application if no relevant representations made.	Head of Regulatory Services/ Licensing Manager
Applications for Premises Licences	Gambling Act 2005	Where no representations received/representations have been withdrawn	Head of Regulatory Services/ Licensing Manager
Cancellation of licensed premises gaming machine permits	Gambling Act 2005	Cancellation of licensed premises gaming machine permits	Head of Regulatory Services/ Licensing Manager
Representation	Licensing Act 2003, Sections 18, 52, 72 and 88	Determine whether a representation is irrelevant, frivolous, vexatious or repetitious	Head of Regulatory Services/ Licensing Manager
Caravan Site Licences	Caravan Sites and Control of Development Act 1960 as amended by Local Government (Miscellaneous Provisions) Act 1982	To instigate legal proceedings To authorise Officers and Technicians To issue or refuse licences	Head of Corporate Services in consultation with Head of Regulatory Services Head of Regulatory Services Licensing Manager/ Head of Regulatory Services
Camp Site Licence	Public Health Act 1936 Section 269 (as amended by the Caravan Sites and Control of Development Act 1960)	To issue or refuse licences with or without conditions To institute legal proceedings	Licensing Manager /Head of Regulatory Services Head of Corporate Services in consultation with Head of Regulatory Services
Closure of Licensed Premises	Anti-Social Behaviour Act 2003	Making of closure orders, cancellation of closure orders and notification of closure orders to the licensing authority	Head of Regulatory Services
Closure of Licensed Premises	Anti-Social Behaviour Act 2003	Institute proceedings	Head of Regulatory Services in consultation with Head of Corporate Services
Consideration of temporary use notice	Gambling Act 2005	Consideration of temporary use notice	Licensing Manager / Head of Regulatory Services
Game	Game Act 1980	To issue licences and to initiate enforcement procedures	Head of Regulatory Services / Licensing Manager

Subject	Act	Functions Delegated	Officer
Game	Game Act 1831 S.41	To authorise proceedings for illegal gaming on Council owned land.	Head of Regulatory Services in consultation with Head of Corporate Services
Game	Game Act 1860 S.10	To authorise the Police to seek a prosecution on the Council's behalf, when they intend to prosecute for similar offences.	Head of Corporate Services
Game	Deer Act 1991	Power to enter premises	Licensing Manager/Head of Regulatory Services/ Environmental Health Officers/Environmental Health Technicians
Gaming Machine Licences	Gambling Act 2005	Issue of licences for maximum of two machines per establishment	Licensing Manager/Licensing Officer / Head of Regulatory Services
Guard Dogs	Guard Dogs Act 1975	To issue and register licences	Licensing Manager/Head of Regulatory Services
Horse Drawn Vehicles	Town Police Clauses Act 1847	To issue and renew licences. The right to refuse, suspend or revoke being reserved to the Licensing and Appeals Sub-Committee.	Licensing Manager / Head of Regulatory Services
House to House Collections	House to House Collection Act.	To approve applications for house to house collections.	Head of Corporate Services
Initiation of a Review by the Licensing Authority	Gambling Act 2005 (section 200)	To initiate a review of a premises licence under the Gambling Act 2005.	Licensing Manager / Head of Regulatory Services
Legal Proceedings	All relevant	To authorise the institution, defence or participation in any legal proceedings in any case where such action is necessary to give effect to decisions of the Licensing and Appeals Committee where such action is necessary to protect the Council's interests.	Head of Corporate Services

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

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

			of Corporate Services
Closure of Unlicensed Sites	Scrap Metal Dealers Act 2013	Issue Certificate to terminate Closure Order	Licensing Manager / Head of Regulatory Services / Principal Officer – Environmental Health
Institute Proceedings	Scrap Metal Dealers Act 2013	Institute proceedings of Offences under the Act	Head of Regulatory Services / Head of Corporate Services.

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

whether a change in premises is substantial	2003, Section 36 (6)	change in premises is substantial	Licensing Manager
---	----------------------	-----------------------------------	-------------------

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

LICENSING AND APPEALS SUB-COMMITTEE

Terms of Reference

In Terms of the Licensing Act 2003 and the Gambling Act 2005

1. In Terms of the Licensing Act 2003 and the Gambling Act 2005 to determine all applications in the following categories where representations have been received, or where objections from the Police/Commission have been made:
 - Personal Licence
 - Premises Licence/Club Premises Certificate
 - Provisional Statement
 - Variation of designated personal licence holder
 - Transfer of Premises Licence
 - Application for interim authority
 - Variation of a Premises Licence

2. To determine all matters in the following categories
 - Personal Licence with unspent convictions
 - Review Premises Licence/Club Premises Certificate
 - Decision to object when Local Authority is a consultee and not the relevant Authority considering the application
 - Police or Environmental Health objection to a temporary event notice
 - Cancellation of club gaming/club machine permits
 - Counter notice to a temporary use notice

JOINT ICT COMMITTEE

Terms of Reference

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

AREA COMMUNITY FORUMS

Terms of Reference

1. To consider matters of particular relevance or concern to its area, whether referred to the Forum by individuals or organisations, or put forward by the Forum itself.
2. To make appropriate recommendations to the Council, or appropriate Committee on those matters except where specifically delegated to make decisions within approved policy and delegated budget.
3. To act as a focus point for mutual consultation and communication between the Council, the County Council, local councils, parish meetings and other community stakeholders
4. To contribute to the development of the Council's Community Plan
5. To receive reports and be consulted on Council activities of a local or District wide nature which affect their communities
6. To implement plans within approved policy for the protection, enhancement and enjoyment of the countryside including public rights of way
7. To monitor implementation of agency agreements against agreed service levels on the full range of District Council's function
8. To undertake consultation on behalf of the Council's Committees on any plans to review or implement major policy or statutory plans
9. To examine the effectiveness of strategic implementation of Council policy at a local level and to report findings periodically to the relevant Committee

BACK TO AGENDA

		2018								2019				
		VENUE	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR
MEETINGS All at 6.00pm (unless otherwise stated)														
Council	M	24 ⁽²⁾ 31		26		27		29		24		7 ⁽¹⁾ 21		23 ⁽²⁾
Community & Environment	M		7	12		13		15		10	21			
Governance & Resources	M		14	19		20		22		17	28			
Planning A = The Venue, Ashbourne M = Town Hall, Matlock	M/A	22 A	19 M	17 A	14 M	11 A	9 M	6 A	4 M	15 A	5 M	12 A		
Joint Consultative Group 2.30 pm	M			3				8			14			
Central Forum 7.00 pm						10					4			
Southern Forum 7.00 pm						18					12			
Northern Forum 7.00 pm						25					26			
Ernest Bailey	M							20						
Licensing/Appeals	M			11				1				6		
Commercial Board	M		6			5			12			13		
MANDATORY TRAINING: Planning & Ethics A = The Venue, Ashbourne 4.00pm M = Town Hall, Matlock 4.00pm	M/A		19 M	17 A 26 M										

COUNCIL
24 MAY 2018

Report of the Head of Corporate Services

APPOINTMENT TO COMMITTEES

PURPOSE OF REPORT

This report sets out the political group leaders' nominations for Councillors to serve on the various Committees of the Council for the year 2018/19.

RECOMMENDATION

That Councillors be appointed to serve on the Committees of the Council in accordance with the wishes of the political groups as set out in Appendix 2 of the report.

WARDS AFFECTED

None

STRATEGIC LINK

An effective decision making structure underpins all of the Council's objectives.

1 COMMITTEE PLACES

1.1 The Local Government and Housing Act 1989 governs the appointment of Councillors to serve on Committees. The Act requires that where an authority's membership is divided into different political groups, appointments to fill seats on -

- ordinary committees or sub-committees of the authority;
- advisory committees; and
- outside bodies with at least three seats,

are allocated in the same proportion as that in which the Council as a whole is divided.

1.2 The Council is also under a duty to review the representation of political groups and to determine the allocation of seats to be filled and in doing so, as far as reasonably practicable, to make decisions that conform with the following prescribed principles:

- a) that not all the seats are allocated to the same political group;
- b) that a political group with an overall council majority gets a majority of seats allocated;

- c) subject to (a) and (b) that the total number of seats each political group has on all ordinary committees is in proportion to that group's share of the total council elected membership; and
- d) subject to (a) and (c) that each political group has the same proportion of seats as it holds on the council as a whole.

- 1.3** The Council has three political groups and two independent members. A table demonstrating the allocation of seats is shown in Appendix 1.
- 1.4** The Council is now under a duty to make appointments to Committees in accordance with the wishes of the political groups which are shown in the Schedule at Appendix 2 to follow.
- 1.5** Following a review of the decision making framework by the Leaders Advisory Group, no changes are to be made to the framework overall.

2 RISK ASSESSMENT

2.1 Legal

The regulatory framework governing committee places is documented in the main body of the report, which represents minimal risk to the Council.

2.2 Financial

There are no financial risks arising from this report.

3 CONTACT INFORMATION

Sandra Lamb, Head of Corporate Services, Telephone 01629 7618281 or email sandra.lamb@derbyshiredales.gov.uk

4 BACKGROUND PAPERS

None

5 ATTACHMENTS

Appendix 1 – Allocation of Seats
Appendix 2 – Schedule of appointments

Allocation of Seats 2018/19

Committee/Outside Body	Allocation including independents (39 members)	Conservative	Liberal Democrat	Labour	Independent Members
		Allocation			
Governance and Resources	17	13	1	2	1
Community & Environment	17	13	1	2	1
Planning	13	10	1	1	1
Commercial Board	6	4	1	1	0
Licensing and Appeals	12	9	1	1	1
Joint Consultative Group	6	4	1	1	0
Joint ICT	3	2	0	1	0
Total Allocated	74	55	6	9	4
Overall Total Entitlement (rounded)		55	6	9	4
Variations		0	0	0	0

COMMITTEE MEMBERSHIP – 2018-2019**GOVERNANCE AND RESOURCES****17 SEATS**

2018/19 Conservative 13	2018/19 Labour 2	2018/19 Liberal Democrats 1	2018/19 Independent 1
Albert Catt	Deborah Botham	Steve Flitter	Colin Swindell
Tom Donnelly	Mike Ratcliffe		
Chris Furness (V)			
Alyson Hill			
Neil Horton			
Angus Jenkins			
Jean Monks			
Garry Purdy			
Lewis Rose			
Mark Salt			
Jacquie Stevens (C)			
John Tibenham			
Joanne Wild			
Substitutes	Substitutes	Substitute	
Jason Atkin	Joyce Pawley	Sue Burfoot	
Jennifer Bower	Irene Ratcliffe		
Richard Bright			
Sue Bull			
David Chapman			
Ann Elliott			
Richard FitzHerbert			
Helen Froggatt			
Susan Hobson			
Vicky Massey-Bloodworth			
Tony Millward			
Dermot Murphy			
Philippa Tilbrook			

COMMUNITY & ENVIRONMENT COMMITTEE

17 SEATS

2018/19 Conservative 13	2018/19 Labour 2	2018/19 Liberal Democrat 1	2018/19 Independent 1
Jason Atkin	Joyce Pawley	Martin Burfoot	Colin Swindell
Richard Bright	Mike Ratcliffe		
Sue Bull			
Albert Catt			
Ann Elliott			
Chris Furness			
Susan Hobson (V)			
Vicky Massey- Bloodworth			
Tony Morley			
Dermot Murphy			
Lewis Rose			
Andrew Statham			
Jo Wild (C)			
Substitutes	Substitutes	Substitutes	
Jennifer Bower	Deborah Botham	Steve Flitter	
David Chapman	Irene Ratcliffe		
Tom Donnelly			
Richard FitzHerbert			
Alyson Hill			
Angus Jenkins			
Tony Millward			
Jean Monks			
Garry Purdy			
Mark Salt			
Jacquie Stevens			
John Tibenham			
Philippa Tilbrook			

PLANNING COMMITTEE

13 SEATS

2018/19 Conservative 10	2018/19 Labour 1	2018/19 Liberal Democrats 1	2017/18 Independent 1
Jason Atkin (V)	Peter Slack	Sue Burfoot	Graham Elliott
Sue Bull			
Albert Catt			
Tom Donnelly			
Richard FitzHerbert			
Tony Morley			
Dermot Murphy			
Garry Purdy (C)			
Lewis Rose			
Joanne Wild			
Substitutes	Substitutes	Substitutes	
Richard Bright	Joyce Pawley	Martin Burfoot	
Ann Elliott			
Helen Froggatt			
Chris Furness			
Susan Hobson			
Angus Jenkins			
Tony Millward			
Jean Monks			
Mark Salt			
Jacquie Stevens			

JOINT CONSULTATIVE GROUP

6 SEATS

2018/19 Conservative 4	2018/19 Labour 1	2018/19 Liberal Democrats 1
Albert Catt	Joyce Pawley	Steve Flitter
Jean Monks		
Garry Purdy		
Lewis Rose		
Substitutes	Substitutes	Substitutes
Tom Donnelly	Irene Ratcliffe	Sue Burfoot
Ann Elliott		
Chris Furness		

JOINT ICT SERVICE COMMITTEE

3 SEATS

2018/19 Conservative 2	2018/19 Labour 1
Lewis Rose	Mike Ratcliffe
Chris Furness	
Substitutes	Substitutes
Albert Catt	Peter Slack

ERNEST BAILEY CHARITY COMMITTEE (Area based)**13 SEATS****2018/19**

Councillors Jason Atkin (V), Martin Burfoot, Sue Burfoot, Deborah Botham, Ann Elliott, Steve Flitter, Joyce Pawley, Garry Purdy, Mark Salt (C), Andrew Statham, Jacquie Stevens, Colin Swindell, Jo Wild
--

LICENSING AND APPEALS COMMITTEE**12 SEATS**

2018/19 Conservative 9	2018/19 Labour 1	2018/19 Liberal Democrats 1	2018/19 Independent 1
Sue Bull	Joyce Pawley	Steve Flitter	Graham Elliott
Tom Donnelly			
Ann Elliott			
Richard FitzHerbert			
Helen Froggatt			
Alyson Hill			
Angus Jenkins (V)			
Jean Monks (C)			
John Tibenham			

COMMERCIAL BOARD**6 SEATS**

2018/19 Conservative 4	2018/19 Labour 1	2018/19 Liberal Democrats 1
Albert Catt (C)	Mike Ratcliffe (V)	Steve Flitter
Richard FitzHerbert		
Lewis Rose		
Andrew Shirley		

MEMBER REPRESENTATIVES

2018/19	
Communications & Marketing Hub	Joyce Pawley
Community Engagement Hub	Colin Swindell
Member Development	Alyson Hill and Sue Bull
Place Shaping Hub	Tony Morley
Procurement Hub	A proposal elsewhere in the agenda would end Member involvement in these hubs, if agreed.
Health & Wellbeing Hub	
ICT	

BACK TO AGENDA

COUNCIL
24 MAY 2018

Report of the Head of Corporate Services

APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN

PURPOSE OF REPORT

This report sets out the appointments to the positions of Chairman and Vice-Chairman to the various decision making bodies, together with the Chairmen of the Area Community Forums.

RECOMMENDATION

1. That the appointments of Committee Chairman and Vice-Chairman are approved to hold office until the next Annual Meeting of the Council.
2. That the appointment of Chairmen to the Area Community Forums is approved to hold office until the next Annual Meeting of the Council.

WARDS AFFECTED

Not applicable.

STRATEGIC LINK

Not applicable.

1. REPORT

- 1.1 Appendix 1 sets out the appointments to the position of Chairman and Vice-Chairman to the various Committee and decision making bodies of the Council.
- 1.2 Appointment of Chairmen to the Area Community Forums is viewed differently in law as they are consultative bodies, and can include members of the community by way of informal co-option.
- 1.3 All positions are to hold office until the next Annual Meeting of the Council.

2 RISK ASSESSMENT

2.1 Legal

There are no legal issues arising from the report.

2.2 Financial

There are no financial considerations arising from the report.

3 CONTACT INFORMATION

Sandra Lamb, Head of Corporate Services Tel. 01629 761281 or e-mail sandra.lamb@derbyshiredales.gov.uk

4 BACKGROUND PAPERS

None

APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN 2018/2019

Committee/Decision Making Body	Chairman	Vice-Chairman
Community & Environment	Joanne Wild	Susan Hobson
Governance and Resources	Jacque Stevens	Chris Furness
Planning Committee	Garry Purdy	Jason Atkin
Licensing/Appeals	Jean Monks	Angus Jenkins
JCG	To be appointed at first meeting	To be appointed at first meeting
Ernest Bailey Charity	Mark Salt	Jason Atkin
Commercial Board	Albert Catt	Mike Ratcliffe

Community Consultative Groups	Chairman	Vice-Chairman
Central Area Community Forum	Ann Elliott	Jason Atkin
Southern Area Community Forum	Sue Bull	Richard Bright
Northern Area Community Forum	Helen Froggatt	John Tibenham

BACK TO AGENDA

COUNCIL
24 MAY 2018

Report of the Head of Corporate Services

APPOINTMENTS TO OUTSIDE BODIES

PURPOSE OF REPORT

This report reviews the Council's affiliations with outside bodies and invites nominations to act as the Council's representatives.

RECOMMENDATION

1. That Council reviews the appointments to outside bodies identified in Appendix 1, and considers any changes it may wish to make to the current arrangements.
2. That the position of organisations where no indemnity insurance currently exists be noted accordingly.
3. That the Members identified in Appendix 1 be appointed to the relevant outside body to serve until the next Annual Meeting of the Council.
4. That the list of Conferences for 2018/19 is approved.

WARDS AFFECTED

Not applicable

STRATEGIC LINK

Successful and meaningful relationships with external agencies underpin all of the Council's Corporate Aims and Priorities.

1 APPOINTMENT TO OUTSIDE BODIES

- 1.1 This is an annual review of the schedule of outside body appointments and the Council's affiliation with those outside bodies. The following affiliations and representative arrangements have changed since the last Annual Meeting.

Waste Strategy Group – representation not required for 2018/19

Sheffield City Region – Combined Authority Transport Committee – representation not required for 2018/19

Derwent Valley Mills (Cromford) Conservation Area Grant Scheme – the grant scheme has finished – representation not required for 2018/19

Wirksworth Leisure Community Group – new arrangements to be made direct by new Leisure Contractor

- 1.2 The Schedule attached at Appendix 1, gives the full list of outside bodies that require the Council's consideration at this time. Council is required to consider its nominations and any changes it wishes to make to those currently in place.
- 1.3 Those bodies that do not afford their representatives the benefit of personal liability insurance have been highlighted in bold. The associated risk however is considered to be low.
- 1.4 At a previous meeting of Council it was agreed that Members report back annually on their involvement with an outside body. It is recommended that Members be reminded of this requirement and that updates be sent to all Members.

2 APPROVED CONFERENCES

- 2.1 The following table sets out the list of Approved Conferences and recommended representation. The purpose of the list is to confer approved duty status to cover Member attendance. The District Council Network Conference is a new addition for 2019/19

Title and Organising body	Representation	Substitute Representation
<i>(Annual)</i> Local Government Association (LGA) Conference	Leader and Deputy Leader plus Chief Executive	Deputy Group Leaders or a Committee Chair or a Champion
<i>(Annual)</i> Chartered Institute of Public Finance and Accountancy (CIPFA)	Chairman of the appropriate Committee and Head of Service	Vice-Chairman of the appropriate Committee or Champion
<i>(Annual)</i> National Association of British Market Authorities (NABMA)	Chairman of the appropriate Committee and Head of Service	Vice-Chairman of the appropriate Committee or Champion
Chartered Institute of Housing Conference (Inside Communications Limited)	Chairman of the appropriate Committee and one Officer from the appropriate Department	Vice-Chairman of the appropriate Committee or Champion
LGA Tourism Conference	Chairman or Vice-Chairman of the appropriate committee and one Officer	Vice-Chairman of the appropriate Committee or Champion
LGA Rural Commission Conference	Chairman or Vice-Chairman of the appropriate committee	Vice-Chairman of the appropriate Committee or Champion
District Council's Network Conference	Leader & Chief Executive	

3 RISK ASSESSMENT

3.1 Legal

There are risks attached to representing the Council on outside bodies. Where these are not covered by insurance there is a risk of personal liability being incurred. Members will have to decide whether they are prepared to accept this possible consequence when deciding to represent the Council. In most cases, the possible level of personal liability will be small.

3.2 Financial

The Council has a reserve of £25,000 to cover Member/Officer indemnity. The indemnity extends to co-opted members on the Council's Committees.

Members allowances for attendance at meetings of the affiliated Outside Bodies and Approved Conferences is provided for in the revenue budget for 2018/19. The financial risk is therefore low.

4 CONTACT INFORMATION

Sandra Lamb, Head of Corporate Services Tel. 01629 761281 or e-mail sandra.lamb@derbyshiredales.gov.uk

5 BACKGROUND PAPERS

Annual review of outside bodies. Outside Body File held in Chief Executive's Department.

6 ATTACHMENTS

Appendix 1 – Schedule of Outside Bodies

APPOINTMENTS TO OUTSIDE BODIES 2018/2019

APPENDIX 1

OUTSIDE BODY	Representative(s) 2018/19	Substitute(s) 2018/19
Active Derbyshire (Derbyshire Sport)	Susan Hobson	
Ashbourne Community Transport	Tom Donnelly	Not Applicable
Arvato Strategic Board	Chris Furness Mike Ratcliffe	Not Applicable
Derby and Derbyshire Strategic Leadership Forum	Lewis Rose	Albert Catt
Derbyshire Economic Partnership	Lewis Rose	Tony Morley
Derbyshire Dales Council for Voluntary Service	Susan Hobson	
Derbyshire Police and Crime Panel	Garry Purdy	Richard Bright
Derwent Valley Community Rail Partnership	Garry Purdy	
Derwent Valley Mills World Heritage Board	Richard FitzHerbert	Not Applicable
District Councils' Network	Lewis Rose	Albert Catt
East Midlands Council	Lewis Rose (Leader)	Jacquie Stevens
Peak District and Derbyshire Destination Management Partnership	Tony Morley	
Peak District Partnership	Lewis Rose (Leader)	
High Peak and Hope Valley Community Rail Partnership	Chris Furness	Jean Monks
LGA Cultural Champion	Richard FitzHerbert	
LGA General Assembly	Lewis Rose	Albert Catt
National Association of British Market Authorities	Joanne Wild	Not Applicable
Peak District National Park Authority	David Chapman Chris Furness	Not Applicable
Sheffield City Region	Lewis Rose	
Sheffield City Region – Audit Committee	Chris Furness	
Sheffield City Region – Overview and Scrutiny	Chris Furness	

COUNCIL
24 MAY 2018

Report of the Head of Community & Environmental Services

ANNUAL REPORT OF THE AREA COMMUNITY FORUMS

SUMMARY

To endorse the Annual report of the Area Community Forums.

RECOMMENDATION

That Council endorse the Annual report of the Area Community Forums.

WARDS AFFECTED

All

STRATEGIC LINK

The Area Community Forums promote and encourage public engagement & involvement and in doing so support all of the District Council's aims and objectives.

1 BACKGROUND

The Annual Report is intended to be a summary of the work of the Area Community Forums in 2017/18 and looks forward to the 2018/2019 Forums.

The Annual report enables the District Council to monitor the work of the Area Community Forums and is attached at Appendix 1 to the report.

2 RISK ASSESSMENT

Legal

Area Community Forums operate in accordance with the District Council's Constitution. The legal risk is therefore low.

Financial

There are no financial risks arising from the report.

3 CONTACT INFORMATION

Ashley Watts, Head of Community & Environmental Services, Tel. 01629 761367 or email ashley.watts@derbyshiredales.gov.uk

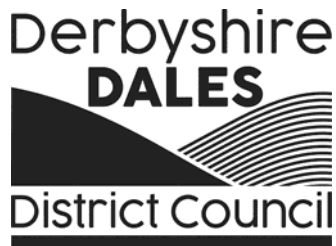
Ros Hession, Community Engagement Officer, Tel: 01629 761302 or email ros.hession@derbyshiredales.gov.uk

4 BACKGROUND PAPERS

None

5 ATTACHMENTS

Appendix 1 – Area Community Forums – Annual Report, May 2018



Area Community Forums - Annual Report, May 2018

Introduction by Councillor Lewis Rose, OBE, Leader of the Council

Following on from a review in 2016/2017, the Forums adopted differing formats and styles to suit the subject matters on the agenda. The Chief Executive's 'Good News' slot has proved popular and showcases success stories and achievements made despite the challenges that face us at Derbyshire Dales District Council.

Forums were reduced to twice a year and it was hoped that a Youth Forum could be established. Whilst inroads have been made with schools and Derbyshire County Council's Youth Service, a Youth Forum has not yet been held, but work will continue to engage our younger residents.

The Area Community Forums continue to be invaluable for the District Council to meet with Dales' residents and stakeholders, providing an opportunity for local people to get involved with issues that affect them and have their say.

We were pleased to welcome colleagues from Derbyshire Fire & Rescue Service, Derbyshire Constabulary and appreciate regular attendance from colleagues at the Peak District National Park Authority.

These Forums continue to be an opportunity for us to listen and for local people to tell us what they think about the services we operate on their behalf. I would encourage anyone who hasn't attended a Forum before to come along - we look forward to seeing you.

Councillor Lewis Rose, OBE – Leader of the Council, May 2018

2017/2018 Summary

Forums took place in October/November 2017 with a busy agenda which began with Good News, including the successful Great British Spring Clean where the District Council assisted more than 25 groups to participate. The presentation highlighted the Walking for Health programme which now hosts Nordic Walking tester sessions and also that 26 new businesses had started in the Derbyshire Dales with direct assistance from the District Council's business support schemes and a further 101 existing firms received business advice. One attendee commented that the Good News was a 'very useful overview of council activities'.

The Head of Resources updated on Council Tax & savings and invited attendees to comment on the District Council's Efficiency Plan.

Other important service areas were also presented at the Forums: Review of Public Conveniences and Provision of Management Services for Derbyshire Dales Leisure Centres.

The ever popular 'Question Time' session attracted questions on play areas, parking for the disabled, ongoing efficiency savings, affordable housing and highways issues. At the Central Forum, Matlock Hall Leys Park was praised as a 'wonderful facility' and small suggestions made for improvements. Comments made on public conveniences formed part of the consultation process and helped shape the review recommendations.

One attendee remarked that the Public Conveniences presentation was 'helpful in explaining changes to parishioners' whilst another commented on Question Time 'I think the principle of being able to ask officers and councillors questions in public is a very good one'.

At the January/February 2018 Forums, Good News items included the successful negotiation of the new 25 year lease for Bakewell's Agricultural Business Centre, shortlisting for the UK Housing Awards and community engagement on and subsequent adoption of the Built Sports Facilities, Playing Pitch and Open Space Strategy.

The Central Forum featured a presentation on the Hurst Farm Regeneration Project and progress made with various partners since the award of Government funding (September 2017).

Derbyshire Fire and Rescue Service consulted on their Review of Duty Systems at Day Staffing Stations, explaining how the proposals might affect Matlock Fire Station.

The District Council's Spending Proposals featured also on the agenda as part of the consultation for 2018/19 spending.

District Council and police personnel from the Safer Derbyshire Dales Community Safety Partnership gave a presentation on recent crime prevention initiatives and the introduction of a new CCTV system which had resulted in better enforcement and crime detection.

The Central Forum was pleased to welcome the Police Crime Commissioner who was aware of ongoing issues on Matlock's Dale Road and undertook to work in partnership with relevant agencies to address and find a way forward.

Issues for Question Time were around recycling, public conveniences, street cleansing & grass cutting, Community Speedwatch and included a thank you to the District Council for the recent works to Bakewell Recreation Ground making the area even better for the enjoyment of all.

One attendee described the Forum as 'very informative'.

The Forums also attract a number of 'remote' followers who engage via email, Facebook, Twitter or via our You Tube live screenings.

The year ahead

The Forums continue to be an important part of the District Council's engagement with public and a useful tool for consultation and hearing the view of residents, businesses and community & voluntary groups in the Dales.

For 2018/2019, the popular regular agenda items will continue as well as issues of local relevance which will be decided as we plan our Forums. Subject matters will be varied and hopefully attract wide audiences to attend.

We always enjoy seeing our regular attendees and look forward to welcoming new ones also in the coming year.

For more information email communityforum@derbyshiredales.gov.uk, phone 01629 761302.

Ros Hession, Community Engagement Officer – May 2018

BACK TO AGENDA

COUNCIL
24 May 2017

Report of the Head of Corporate Services

REVIEW OF THE ROLE OF MEMBER REPRESENTATIVE

SUMMARY

To inform the Council of the findings of a Review of the effectiveness of the Member Representative role, as part of the annual consideration of the District Council's governance and constitutional issues. The Review was carried out in accordance with a recommendation by the Independent Remuneration Panel (IRP), and was agreed by Council on 24 May 2017.

RECOMMENDATION

1. That the findings of the Review of the role of Member Representative be noted.
2. That the Member Representative role be removed from the Transformation, Health and Wellbeing and Procurement Hubs.
3. That, in light of the workload involved in the development of an Induction Programme, an additional Member Representative be appointed to the Member Development Hub in 2018/19.
4. That nominations for the Member Development Hub in 2018/19 include members with varying degrees of experience
5. That Member Representatives be appointed to the Place Shaping, Member Development, Communications and Marketing and Community and Engagement Hubs as detailed in Appendix 1.
6. That the potential for an additional hub, led by the Head of Housing, to consider the District Council's approach to empty homes is noted.

WARDS AFFECTED

Not applicable

1. BACKGROUND

- 1.1 In 2015 the IRP concluded that the role of Member Champion was not sufficiently defined to merit a special responsibility allowance.
- 1.2 The Council, subsequently, reviewed the role of Member Champion in May 2016 and resolved to amend the role, to revise the title to Member Representative and to align the roles with the eight corporate "hubs" established by the council to consider, plan and manage the major cross-cutting issues it faces with the intention to obtain

- 1.3 “A Member’s perspective on how the cross cutting work develops (and) would be a significant support to the Officers engaged in the work of the Hubs.” It was further anticipated that “The Member Representative could have a real role to play in developing the work of the Hubs and, through this, in gaining a deeper understanding of the many issues facing the Council. As such, they can use this knowledge in supporting the work of the (Policy) Committees and the work of Officers.”
- 1.4 The IRP was invited to consider how the amended role related to other, specified Member roles within the District Council and concluded that
- the role of Member Representative was more clearly defined and understood by councillors and by the officers leading the Hubs. The members appointed to the position of MR also appear to have a good understanding of the scope and extent of the role and demonstrated an enthusiasm and commitment to ensuring the effectiveness of the role.
 - that the role was starting to add value to the work of the Council and to the member-officer interface. Both members and officers spoke of the greater two-way flow of information and experience that has been facilitated since the roles were created on the important issues facing the council.
 - Furthermore, the roles were seen as complementary to other formalised member roles within the council such as chair or vice-chair of committee. There was also a broad acceptance that the role would fulfil an important learning opportunity for councillors who wish either to become more familiar with the broad issues facing the council that cut across service areas or aspire to take up more recognisable councillor roles such as chair of committee.
- 1.5 The IRP report concluded by recommending that a Special Responsibility Allowance of £643 per annum be attached to the role of Member Representative and that the effectiveness of the role of Member Representative be kept under review as part of the District Council’s annual consideration of Governance and Constitutional matters.

2. LEADERS’ ADVISORY GROUP

- 2.1 The Leaders’ Advisory Group (LAG) met on 4 April 2018 and considered reviews prepared by the Officer Lead for each of the Hubs. These are summarised below

Place Shaping Hub

This hub meets quarterly and the regular attendance, ideas and experience of the current Member Representative were valued. More generally, it was noted that the Place Shaping ‘portfolio’ was particularly suitable for Member involvement as it related directly to local communities whilst having a strategic and forward looking element. It involved activity “on the ground” in which the Member Representative could play an active part and reports that came forward on relevant topics afforded an opportunity for the Representative to include his comments and, thus, feedback the knowledge and experience gained to other Members.

Transformation Hub

Although the Member Representative appointed to this hub had shown commitment, the role had proved less successful in this area of work. Indeed CLT proposed to close the hub in its current form as competing priorities had meant that

the Officers involved had been unable to engage with the transformation agenda to the level originally envisaged. It was anticipated that another initiative would be developed around the business processes and technology necessary to drive the transformation agenda forward but, until that was in place, it was felt that further Member involvement would not be productive.

Health and Wellbeing Hub

This hub was originally intended as a vehicle to develop the District Council's Health and Wellbeing Strategy. Consequently, it took on the tasks of developing and monitoring action plans and ensuring that partner organisations in the Health and Wellbeing sector were kept up to date with developments. The Lead Officer felt that the hub performed this role reasonably well but meetings had been reduced to two per year.

The role of the Member Representative was seen as being able to:

Sense check the action plans – consider political sensitivities and hold Officers to account

Act as liaison between the hub and other Members/political group/committees – providing the hub with wider views and disseminating news of the hub's work more widely.

Experience had shown that this was a difficult role for the Member Representative to fulfil and, to succeed, it would probably need the relevant Representative to have expertise in related areas.

The Officer Lead for the hub felt that virtual briefings or occasional meetings with key Officers may be a more productive way for Members to be kept in touch with the District Council's work in this area.

Member Development Hub

The purpose of this hub was to carry forward the work of the Member Development Working Group in devising and reviewing the District Council's Member Development Programme. A particularly important aspect of this role is to develop a Member Induction Programme for those elected or re-elected in 2019. To date the hub had overseen the mandatory training element of the Development Programme, the replacement of Member ipads and had critiqued a Community Leadership training programme.

The success of the Induction Programme will rest on the ability of the membership to grasp the relevant issues and their willingness to work towards shaping outcomes. It is an accepted principle that Member Development should not be Officer led and, to that end, it may be that a better balance between newly elected and returning Members, when the membership is refreshed, would provide a wider perspective and give the Members more confidence to take this forward.

Procurement Hub

The Procurement Hub was originally established to develop a Procurement Strategy. Having completed that it reverted to a more operational level and its Terms of Reference have recently been refreshed by CLT and are concerned with spend analysis, process control and contract compliance – all of which offer little scope for Member scrutiny or input. The Lead Officer considers that the remit of the hub is no longer compatible with the Member Representative role and it is recommended that this appointment be withdrawn at the next refresh of membership.

Communications and Marketing

The Communications and Marketing hub offers plenty of scope for the participation of a Member Representative. It has an annual work plan that offers variety and scope and the attendance and participation of the current Member Representative is appreciated. A recent example of the work of this hub is the design of signage for the District Council's parks and sponsored 'gateway' signs.

Community Engagement

The close involvement of the Member Representative with local communities is a valuable resource for this hub in ensuring that its decisions reflect the true needs of the community. In addition the work of the Member Representative in leading sessions at Area Community Forums is appreciated.

3. EMPTY HOMES HUB

Council is also asked to note the potential for the establishment of an empty homes hub to consider the options available to the District Council to reduce the number of empty properties in the District. Provisionally, the remit of this group would be to assess the reliability of the available data and the potential for sharing information between interested parties; test a business case for the appointment of an Empty Homes Officer and the potential impact of the imposition of a Council Tax Premium for long term empty homes. Once complete the terms of the Hub will be presented to Council with a view to engaging a Member Representative.

3 RISK ASSESSMENT

3.1 Legal

There are no legal considerations arising from the report.

3.2 Financial

If the recommendations are accepted they will reduce the overall number of Member Representatives by one, representing a saving of £662.

4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

Sandra Lamb - Head of Corporate Services
Tel: 01629 761281
E-mail: sandra.lamb@derbyshiredales.gov.uk

6 BACKGROUND PAPERS

None

BACK TO AGENDA

ANNUAL COUNCIL
24 MAY 2018

Report of the Head of Corporate Services

ANNUAL REPORT OF THE MEMBER REPRESENTATIVES

PURPOSE OF REPORT

To consider the Annual Report of the Member Representatives.

RECOMMENDATION

That the Annual Reports are received.

WARDS AFFECTED

Not applicable

1. BACKGROUND

- 1.1 The Council established the role of Member Representative at its Annual Meeting in 2016. Member Representatives for 2017/18 were:

Role	Representative
Member Development	Councillor Alyson Hill
Health and Wellbeing Hub	Councillor Sue Bull
Communications and Marketing Hub	Councillor Joyce Pawley
Community Engagement Hub	Councillor Colin Swindell
Procurement Hub	Councillor John Tibenham
Place Shaping Hub	Councillor Tony Morley
ICT Hub	Councillor Andrew Statham

- 1.2 The Annual Report of the Member Representatives for 2017/18 is attached for information.

2. RISK ASSESSMENT

- 2.1 Legal

There are no legal considerations arising from the report.

2.2 Financial

There are no financial considerations arising from the report.

3. **OTHER CONSIDERATIONS**

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

4. **CONTACT INFORMATION**

Sandra Lamb, Head of Corporate Services. Tel 01629 761281 or email Sandra.lamb@derbyshiredales.gov.uk

5. **BACKGROUND PAPERS**

None.

6. **ATTACHMENTS**

Annual Reports

TRANSFORMATION HUB – COUNCILLOR ANDREW STATHAM

Over the last year, the Transformation Hub has moved ahead with three key projects:

- Clean & Green Team mobile working (PSSLive system) – following successful work last year to shift all playground inspections and records off paper onto electronic devices, this year the Hub's focus has been on footpaths. 39 sites have so far been transferred to electronic format. Collecting and entering the data is a huge task, but once done the system is very efficient, saving a lot of time and paper as well as giving greater accuracy and better records. Once a site is added, PSS can be used for future inspections and repairs, with the addition of photographs, and is a real improvement. Good records help provide evidence against insurance claims so protect the Council's finances.
- Electronic Document Management in Development Management (planning applications) – having bought the EDMS system last year, the task this year has been to pinpoint efficiencies that make best use of the system whilst maintaining excellent customer service. A consultant has been working with the team for three months, using project management funding made available by the Governance and Resources Committee. She has identified a host of quick improvements, many of which have already been implemented. Other recommendations will require further consideration.
- Self-service online litter, dog fouling and fly tip clean up requests (Mayrise system) – ICT and Environmental Services have worked together to overcome technical problems to enable online requests to be accurately recorded in the system. Mayrise experts have been consulted, and visits made to other councils who have successfully implemented online self-service.

The Transformation Hub has done a good job over the last four years, and I wish to pass on my thanks to all Hub members. The Hub has successfully implemented agile/home working, the Gladstone leisure system, the HR21 online leave and expenses system, electronic playground inspections, and many instances of website channel shift, for which we should all take pride.

However the current Hub has run its course, and it is the right time to bring it to a close. The future will be focused on income generation, efficient working processes and procedures, customer self-service, and cost reduction. In the first instance, work will focus on initiatives linked to waste and recycling in order that customer contact can be as efficient as possible whilst presenting opportunities for income growth.

COMMUNICATIONS & MARKETING HUB – COUNCILLOR JOYCE PAWLEY

Working with such a vibrant and enthusiastic team over what has been a very busy year has, once again, proved to be a very enjoyable experience.

I am not going to report on the practical work, such as renewal of Signage, although that has been a major issue addressed by the Communications team during this last year, as I am sure Jim Fearn will cover that fully in his report to Committee.

What I would like to concentrate on is effective Communication in all its aspects. One of the key references in the Communications and Marketing Hub's report to CLT last year was the aim "To secure and strengthen the reputation of the Council in the community as an effective and efficient provider of high quality services and outcomes."

This, of course, is a seminal goal. I am happy that, despite the last year being one where very difficult messages have had to be disseminated to the public, the team have ameliorated the public impression that this Council is "out to get them". Difficult decisions which have had to be taken have been explained in a clear way, and whilst those living and working in the Dales might not have liked the message, they have, in the main, accepted the reasons why. Much of this response is due to the reasonable way the facts are passed on and presented by Jim Fearn and Cara Marchant, who comprise the Communications team.

We are moving from strength to strength with Social Media, increasing our hits on a daily basis. There cannot be a better way to reach all of our residents, businesses and visitors. Over the last few months alone we have shown videos on subjects as diverse as "How to defrost your Christmas turkey" helping to keep residents healthy, and the reinstatement of Victoria Hall Gardens. The posts reach out even further. How else could we get across our messages on litter picking, dates of Council meetings and local markets, dog rescue, snow in April and the benefits of boxing so easily and reach an audience of thousands?

Of course this doesn't just happen. The team are there every day beavering away behind the scenes on our behalf and I would formally like to thank them for their efforts, as I know they go well beyond the bounds of what we should expect of them at times. These posts need checking and the work continues long after the 5pm finish on Fridays and the 9am start on Monday. The fact that they are there means that complaints are dealt with swiftly and that can only be to the good.

Moving forward the hub will be working towards better communication between Service Sectors as this is an area which has been flagged by HR as needing a little work. The video links of Council meetings also need some improvement and that is being addressed, there are complaints in particular about the sound quality. Could I take this opportunity to remind all Members to speak directly into the mike, to sit back when other Members are speaking so that they can be filmed. These two actions, simple as they are, would make a lot of difference. These sessions on YouTube are very popular and we need to get the process running as well as we can.

I am looking forward to what the next year brings and I can assure Members that, even through the most difficult times, this Hub will be there attempting to place this Council in the most positive of lights in the eyes of the public.

PLACE SHAPING HUB – COUNCILLOR TONY MORLEY

Business growth and job creation is highlighted in the District Council's Corporate Plan 2015-19, as the highest improvement priority. The Place Shaping Hub focuses on **unlocking priority employment sites in order to grow small-to-medium sized firms**. The reasons for this focus are (i) to support business growth and job creation, a lack of which is the biggest threat to the viability of the Derbyshire Dales; and (ii) to increase Business Rates and income from the council's own assets, in order that the District Council can afford to fund its frontline services.

We have prioritised two areas of work over the last year:

1. **Ashbourne Airfield Business Park** - the Airfield Industrial Estate is the largest employment location in the Derbyshire Dales and the focus of the district's manufacturing economy. The 35ha site is full, hosting more than 70 businesses employing 2,000+ people, including four of the top-ten contributors of private sector jobs in the Derbyshire Dales. Accelerating the construction of a new access and link road is urgently required to unlock significant new employment and housing development.

Work this year progressed well, to the point where a construction contract was ready to be tendered in January. The opportunity has arisen to consider altering the access from a signalised junction (which already has planning permission) to a roundabout capable of serving all future phases of development at the airfield. The necessary work is currently being undertaken by partners to investigate this possibility. The County Council remains the scheme promoter and expects to re-tender the scheme this year.

Other employment sites are also being progressed, with expert help being brought in as agreed by Council in June 2017. We are liaising with landowners and their agents to be more proactive in helping bring forward light industrial development.

2. **Business Rates** - at Council in October 2017, Members decided to consult on changes to discretionary rate relief to fund business growth and job creation. It was strongly felt by Members in March that any future changes to discretionary relief should not excessively affect smaller organisations. Since then, the Hub has sought means of creating funds for business growth without impacting small voluntary and community organisations. Utilising Small Business Rate Relief might be a means of achieving this, and it is intended to report back to the 31 May Council meeting with an update.

Continuing work has also included:

- Inspired by the Peak District – 520 businesses are now signed up and a toolkit has been launched.
- Business support – through its own business advisor and its Launchpad scheme, the District Council has supported more than 100 businesses this year. Over £290,000 grant funding has been secured with our help, and positive press coverage has been generated for the District Council. Over the last two years,

District Council business advice has now helped lever in more than £1m external grant funding.

- Matlock Community Vision – Members gave £10,000 to Matlock Community Vision to fund a feasibility study of their proposals for the market hall and former bus station site at Bakewell Road, Matlock. The feasibility study was commissioned by MCV.
- Business engagement – workshops and regular newsletters continue to be produced for Dales businesses.
- Broadband – officers have maintained dialogue with Digital Derbyshire, alongside the National Park, to encourage them to understand the gaps in superfast broadband coverage in the district and then act to fill those gaps. Further fibre cabinets in the district have ‘gone live’ this year. There has also been good take up of vouchers to subsidise wireless or satellite broadband in parts of the Dales that fibre does not reach.
- Tourism – a new Limestone Way walk guide has been published, with sales going well.

Overall, the Place Shaping Hub provides a platform for various heads of activity and areas of specialism to interact. This has the effect of creating a nexus which is greater than the sum of its parts. The Hub meetings provide a forum where specialist officers from different areas within the District Council are able to achieve a consensus on important issues that cut across different departments.

This enables our top priorities of jobs and housing to be dealt with together, and helps the District Council better achieve its objective of making the Derbyshire Dales a place to start and grow a business and create well paid and sustainable employment for local people.

MEMBER DEVELOPMENT – COUNCILLOR ALYSON HILL

We have conducted a survey involving all councillors, this provided some useful information to assist us in putting together the framework for a new induction program which has recently been submitted. We are in the process of reviewing online training options. All the Councillors who sit on the member representative group are actively trialling several of these and we shall meet soon to report on our views and the suitability. We have also overseen and implemented the new iPad renewal program.

There will still be much to do in our final year and this I look forward to. And finally I would like to thank all the Councillors who make up the member representative group for their enthusiasm, dedication and contribution; but would like to say a big thank you to Sandra for her commitment and support.

PROCUREMENT HUB – COUNCILLOR JOHN TIBENHAM

The work of the Procurement Hub has continued well despite the need to cancel a meeting at short notice earlier in the year.

A flow chart has been produced which provides more clarity on the procurement process and this will be more fully explained at the proposed training workshops scheduled for May 16th and May 24th.

The tendering for the new uniforms has been completed and the contract awarded to Arden Winch Ltd. These corporate uniforms will be in black and green and incorporate the DDDC logo where appropriate.

Heads of Service have been provided with a General Expenses Budget spreadsheet relevant to their area and have been asked to consider the removal of expenses budgets that have not been utilised or underspent. There is in excess of £16000 which has not been utilised in this area together with £37000 from budgets that have been underspent. The majority of this latter amount is in the cost centre: Parks and Recreation and, to a lesser amount, cost centre: Depot Holding Account. The savings have been reflected in the 2018/19 budgets.

There are still areas of high spend being analysed e.g. Tools, Car Parts and Recycling, but progress is being limited at present due to the capacity of the Procurement Hub. An additional representative from the Depot will be appointed to assist as soon as the new structure is in place.

My involvement in the Procurement Hub is coming to an end and I wish to compliment Sandra Lamb and Caroline Leatherday for their efforts. The Procurement Hub is in good hands, its objectives are being achieved and the results to date are a credit to those involved.

COMMUNITY ENGAGEMENT HUB: COUNCILLOR COLIN SWINDELL

This year has again seen good progress made by the Hub and a number of projects undertaken within the community. All of this has been achieved despite the lead member being heavily involved in the Leisure Service Review and the arrival of my son in October 2018. As a result, the hub has not formally met, but I have been in regular contact and worked closely with Rob Wilks and members of the hub to ensure important matters are dealt with and that I am kept informed of developments and progress.

Community Area Forums and Youth Engagement

The forums have been subject to ongoing review by the hub and we continue to look at ways we can improve them and increase public participation. From the feedback we have received from the public, attendees and ward members, we have implemented a number of changes. The format and style has been changed to suit the subject matter. The number of forums has been reduced to two per year to keep the public interested in attending. The new slot of 'Good News' by the Chief Executive has proven popular and helps to add a positive aspect to the meetings about what the District Council is doing. Discussions have also taken place about the creation of a 'Youth Forum' to try and engage with younger people from the Derbyshire Dales to find out what they think of the services the council provides and to also help them understand the role the authority. As part of this, Ros Hession and I visited a Youth Forum in Buxton to get an idea of how the sessions worked and inroads were also made with Derbyshire Youth Services. I have also attended an awards night at Highfields School as a guest speaker which led to discussions about engaging with young people at the school and getting involved with their School Council. Work to engage with young people and further reviews of our Area Forums will continue over time.

Community Projects

The hub continues to play an important role in supporting community groups and promoting the uptake of community initiatives. The Local Projects Fund has been reviewed and improvements have been implemented to help streamline and simplify the application process, as well as making it more flexible. It is hoped that these improvements will maximise community benefit. The Local Projects Fund has supported a variety of projects, some small, some larger, also helping to encourage others to contribute or match fund.

The big community project this year that the hub was involved with was the Great British Spring Clean. Sadly, the snow and poor weather in March meant that planned litter picks were postponed, but local volunteers rallied around and events were rearranged once the weather improved. 18 groups have now participated including Baslow, Wirksworth and Hollington. The project had the benefits of improving the local environment and creating community spirit. Furthermore, it is a great example of partnership working between the council and its communities.

The hub is currently working on a project to improve the pavilion facilities at Ashbourne Recreation Ground. The aim of the scheme is to see the three current pavilion

buildings replaced by one new pavilion fit for the future. As part of this, it would need to be agreed for a long lease on the building/surrounding land with a newly established charitable organisation (Ashbourne Sport and Recreation Partnership) to run it. A report on this will go before members in June 2018.

HEALTH AND WELLBEING HUB – COUNCILLOR SUE BULL

The main role of the Hub is to set the Action Plans for various officers involved in health related activity to follow each year and then to monitor the progress of the actions. In the last year some notable successes were the completion of the Built Sports Facilities, Playing Pitch and Open Spaces Strategy, the provision of support to local businesses enabling the creation of more jobs (this being the single best way to improve overall health), the progress of the Hurst Farm regeneration project, the development of a local agreement for disabled facilities grant outcomes and the creation of a multi-use games area at Hall Leys Park.

In addition we were consulted over the progress of North Derbyshire Clinical Commissioning Group's plans to provide community beds as part of the reorganisation of health services for our District, known as Better Care Closer to Home. Our recommendation that these beds should be provided at the new Meadow View was the one that was eventually adopted by the North Dales Place Group.

BACK TO AGENDA

COUNCIL
24 MAY 2018

Report of the Chief Executive

APPOINTMENT TO THE POST OF CHIEF EXECUTIVE

PURPOSE OF REPORT

The recruitment process as outlined in the Council report of the 12 April 2018 has been carried out by the Chief Officer Selection Committee and this report details that process and the Committee's final recommendation to Council resulting from that process.

RECOMMENDATION

That Paul Wilson is recommended for appointment to the role of Chief Executive, on the retirement of Dorcas Bunton, with effect from 1 June 2018 on Chief Executive salary scale commencing at £96,379 (2018 Chief Officer pay award pending).

WARDS AFFECTED

All

STRATEGIC LINK

The position of Chief Executive (Head of Paid Service) is the pivotal link between the political and executive management structures. An effective liaison at that level within the organisation is essential to the District Council's continuing success. The Chief Executive role is the head of the executive management structure and recognised throughout the Dales as where the responsibility lies in terms of operational service delivery. As the Council moves forward to introduce a more commercial approach and works more with businesses they will expect a clear structure and as clear a hierarchy of responsibility as they exercise within their own businesses.

1. INTRODUCTION

- 1.1 On the 12 April 2018 Council was informed of the current Chief Executive's intention to retire on 31 May 2018 and agreed the process for recruitment of her successor. Council agreed to first consideration being given to one internal candidate. Council appointed a Selection Committee to carry out the recruitment process supported by the Society of Local Authority Chief Executives (SOLACE in Business); an independent agency experienced in supporting Local Authority Chief Executive appointments. The appointment was to be made on merit and SOLACE's support in design and delivery of the process and their advice to the Selection Committee enabled merit to be demonstrated.

2. REPORT

- 2.1 The Job Description and Person Specification for the post of Chief Executive were updated by the Human Resources Manager and reviewed by SOLACE. These are attached at Appendix 1.
- 2.2 As agreed by Council, SOLACE supported the recruitment process giving independent advice on the suitability of the candidate. SOLACE work primarily with Local Authorities and engage professional, qualified assessors who offer their expertise and experience to tailor an assessment exercise to meet an Authority's exact needs. They have an excellent understanding of the Chief Executive market both from their own Membership body and their recruitment activity. Over the last 10 years they have assisted in the recruitment of over 60 Chief Executives, including the Council's current Chief Executive.
- 2.3 Officers have also discussed the approach to this recruitment with the Council's External Auditors as part of developing this process.

3.0 RECRUITMENT DETAIL

- 3.1 The candidate to be given first consideration, the existing Corporate Director & Deputy Chief Executive, Paul Wilson, was invited to apply for the position through SOLACE and was informed that the process would be focused on three main points:-
 - ◇ Written Application Submission.
 - ◇ Assessment Centre.
 - ◇ Appointments Panel and Presentation.
- 3.2 The candidate submitted a CV, a statement on why he considered himself to be suitably fit for the role as outlined in the Job Description and Person Specification and a written paper on future challenges for the District Council, risks for the Derbyshire Dales and how the candidate might deal with them. These three documents were considered by the Appointments Panel, the Corporate Leadership Team and SOLACE in preparing for the respective interviews and in assessing the candidate's suitability for the role.
- 3.3 In addition, the candidate completed a range of online psychometric tests. These assessed the candidate's behaviour, preferences and attitude in relation to different aspects of their working life and looked at the leadership strengths of the candidate. SOLACE gave feedback on these assessments to the Appointments Panel to assist them in their preparation for their interview of the candidate.
- 3.4 The candidate had two interview sessions prior to the Appointment Panel interview:-
 - ◇ a session with the Corporate Leadership Team;
 - ◇ assessment by a strategic stakeholder / partner panel where the candidate gave a presentation on the benefits / challenges of working in partnership.
- 3.5 The candidate also undertook:-
 - ◇ a technical interview with SOLACE to assess suitability and fit for the role;
 - ◇ a case study of a fictional Council where a decision and recommendation had to be put forward based on the facts and issues given;

- ◇ a written analysis exercise and briefing which exercised prioritisation, political sensitivity and strategic / analytical skills.

SOLACE assessed the outcome from these exercises and fed back to the Appointments Panel to assist them in their preparation for their interview of the candidate.

- 3.6 Finally the candidate attended an interview with the Appointments Panel who, based on their interview and the feedback from all the other elements of the comprehensive selection process, concluded that Paul Wilson be recommended for appointment on merit to the post of Chief Executive.
- 3.7 The design and delivery of the selection process was very comprehensive. Paul Wilson demonstrated that he met and exceeded the requirements of the person specification, which was rigorously tested. SOLACE advised that his performance benchmarked well in comparison with recently appointed Chief Executive candidates.
- 3.7 The terms of appointment will be based on the Chief Officer NJC Conditions of Service and the proposed salary range as from 1 April 2017 (2018 pay award pending) £96,379 - £102,279. Appointment would be at the base of the scale with a further increment being awarded in April 2019 in accordance with Council Policy on satisfactory performance.
- 3.8 The Selection Committee concluded, that on the basis of merit to unanimously recommend Paul Wilson for appointment to the position of Chief Executive from 1 June, 2018.

4. **RISK ASSESSMENT**

4.1 Legal

The recruitment process is in accordance with the Employment Rules contained in the District Council's Constitution. In accordance with the Local Government and Finance Act 1989, all recruitment must be based on merit. Council will need to satisfy itself that the candidate is the best person for the job. Given the rigour of the process, the legal risk is therefore low.

4.2 Financial

The cost of the Chief Executive's salary and on costs has been included in the 2018/19 budget. As stated in the report to Council dated 12 April, in the event of Members approving the internal appointment of the Corporate Director to the Chief Executive role there is an opportunity not to replace the Corporate Director role and to use the savings from that to support the new commercial agenda in terms of potential consultancy support to bring in and transfer relevant skills to existing Officers. These would be one-off costs and the ongoing savings of £105,177 from not replacing the Corporate Director position could then be used in future years to assist the overall savings target (of £1m by 2020/21) and / or to bring in further commercial expertise and skills. The financial risk is, therefore, assessed as low.

5 **OTHER CONSIDERATIONS**

In preparing this report the relevance of the following factors has also been considered; prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

6. **CONTACT INFORMATION**

Deborah Unwin - Human Resources Manager
Telephone: 01629 761364
Email: deborah.unwin@derbyshiredales.gov.uk

7. **BACKGROUND PAPERS**

None.

8. **ATTACHMENTS**

Appendix 1 – Job Description and Person Specification



Post Details - Primary

Job Title	Chief Executive
Department	Chief Executive's
Job Location	Town Hall, Matlock
Grade	Chief Executives' Scale

Post Details – Other

Political Restriction	Yes - Specified
Car User/Type	None
CRB/BPSS Checks	BPSS

Main Purpose of Post

To be Head of Paid Service with overall responsibility and accountability for:

- Working closely with all elected members to deliver the Council's vision, priorities and core values
- Providing leadership to the Council's Corporate Leadership Team and all staff
- Ensuring the effective strategic, corporate and operational management of the Council
- Leading and promoting positive engagement with the people, communities and partner organisations of Derbyshire Dales
- Working with partners and others to deliver the Council's objectives
- Ensuring effective governance, probity and integrity throughout the Council

Main Duties and Responsibilities

	Working with Elected Members
1	To be the Council's principal advisor on matters of general policy and to ensure the provision of timely and effective advice on policy options and professional matters.
2	To advise on the setting of strategic priorities and the allocation of resources to reflect the Council's corporate and wider community objectives.
3	To provide advice to all elected members on any matter relevant to the Council's functions.
4	To work with all elected members to realise the Council's vision, ambitions and objectives and to promote the values and standards that it aspires to.
5	To support the democratic processes of the Council.

	Leading and Managing the Organisation
6	To lead, inspire and manage the whole organisation to deliver high quality cost effective services to the people and communities of Derbyshire Dales
7	To lead, manage and direct the Corporate Leadership Team and ensure a co-ordinated approach to the provision of all Council services.
8	To promote the effective management, development and involvement of all staff and ensure they are appropriately empowered, valued and supported.
9	To keep under review the organisation and management of the authority to ensure efficient and cost-effective service delivery and to lead change when required.
10	To ensure effective performance and resource management systems are in place to achieve Best Value, deliver quality services and ensure best use of resources.
	External Relations and Community Engagement
11	To lead and develop effective strategic partnerships in support of the Council's objectives with other local authorities, statutory and non-statutory agencies and the private and voluntary sectors.
12	To ensure that local people and communities are appropriately consulted with and involved in matters that affect them.
13	To support elected members in their community leadership role.
14	To act as an advocate and ambassador for Derbyshire Dales.
	Governance
15	To keep the corporate governance arrangements and organisation structure of the Council under continuous review in order to ensure they remain fit for purpose.
16	To ensure that the principles of fairness and equality of opportunity are fully integrated and actively pursued within all areas of the Council's service provision and employment policies, practices and procedures.
17	To ensure that effective arrangements are in place to manage the reputation of the Council with the public, partners and employees.
18	To ensure that systems are in place and that lines of accountability are clear for the effective management of the organisation, including the management of performance, risk, health and safety, financial resources, civil emergencies, contingency planning, and people management.

General Duties and Responsibilities

<p>Equalities - The Council aims for equality in the provision of its services and in carrying out its public functions. All employees will implement and promote its Equality and Diversity policy in their own work.</p>	
<p>Code of Conduct - Your duty is to serve the Council as a whole in providing advice, implementing its policies and delivering services to the local community. In performing your duties, you must comply with the Employees' Code of Conduct.</p>	
<p>Health & Safety – The Council's policy needs full co-operation from all employees who are expected to give all possible assistance towards its successful implementation and to take reasonable care of their own safety and that of others.</p>	
<p>Staff Development - The Council's Performance & Development Review (appraisal) is an integral part of Derbyshire Dales District Council's performance management framework as well as a key employee development procedure. Those with managerial responsibility must ensure that all staff with contract hours within their section receive an annual performance & development review meeting (PDR).</p>	
<p>Data protection - The Council is committed to maintaining the privacy of all its staff and customers. It expects all staff to handle individuals' personal information in accordance with the Data Protection Act in a sensitive and professional manner. All staff are under an obligation not to gain access or attempt to gain access to information they are not authorised to have.</p>	
<p>Safeguarding children and vulnerable adults- all employees and Councillors have a duty of care for the safeguarding of children and vulnerable adults. Any concerns about the behaviour of a member of staff or service users must be reported immediately, in confidence, to a Head of Service. Posts working directly with children and/or vulnerable adults will be designated to require a Disclosure and Barring Service (DBS) check before appointment and a recheck every 3 years.</p>	
<p>Date this Job Description last amended</p>	<p>13 April 2018</p>

<p>Signed by Jobholder</p>	
<p>Print Name</p>	
<p>Date</p>	

PERSON SPECIFICATION

JOB TITLE	CHIEF EXECUTIVE
JE NO	Chief Executive scale

	(Must be met to be considered for interview)	(Required to perform job to high standard)
SKILLS AND ABILITIES	<ul style="list-style-type: none"> Proven ability to - Lead a sizeable directorate - Work with Council Members/a Board - Work with a senior leadership team - Manage performance - Think creatively - Determine strategic direction - Negotiate - Be commercially aware - Act as ambassador for council and project an appropriate image - Promote and develop relationships internally and externally - Promote risk awareness & risk management with correct arrangements for business continuity - Promote equality & inclusivity in service provision 	
KNOWLEDGE	<ul style="list-style-type: none"> - Financial management policies/procedures - Human Resource management policies/procedures - Resource management - Project Management - Contract Management - Corporate Governance - Local government & the modernisation agenda - Managing the political dimension - Managing the interface of Members & Officers, establishing appropriate management & organisational processes 	<ul style="list-style-type: none"> - Provision of Public Services - Effective implementation of Council programme & policies within Council governance & frameworks
EXPERIENCE	<ul style="list-style-type: none"> - At least 3 years Director experience - Of Managing & developing staff - Performance management - Evaluating service quality - Thinking creatively - Defining aims and structures in organisations - Large & complex resource management - Successful track record of engaging with 	<ul style="list-style-type: none"> - Director experience in local government - Promoting the development and economy of the local district

	<p>others and building effect working partnerships</p> <p>- Working corporately and leading senior management in a multi-disciplinary organisation</p>	
QUALIFICATIONS	<p>Degree in appropriate subject Management (e.g. ILM level 5 or 7 or equivalent) or professional qualification</p>	
OTHER REQUIREMENTS	<p>Being or supporting the Returning Officer in Council elections</p>	

BACK TO AGENDA