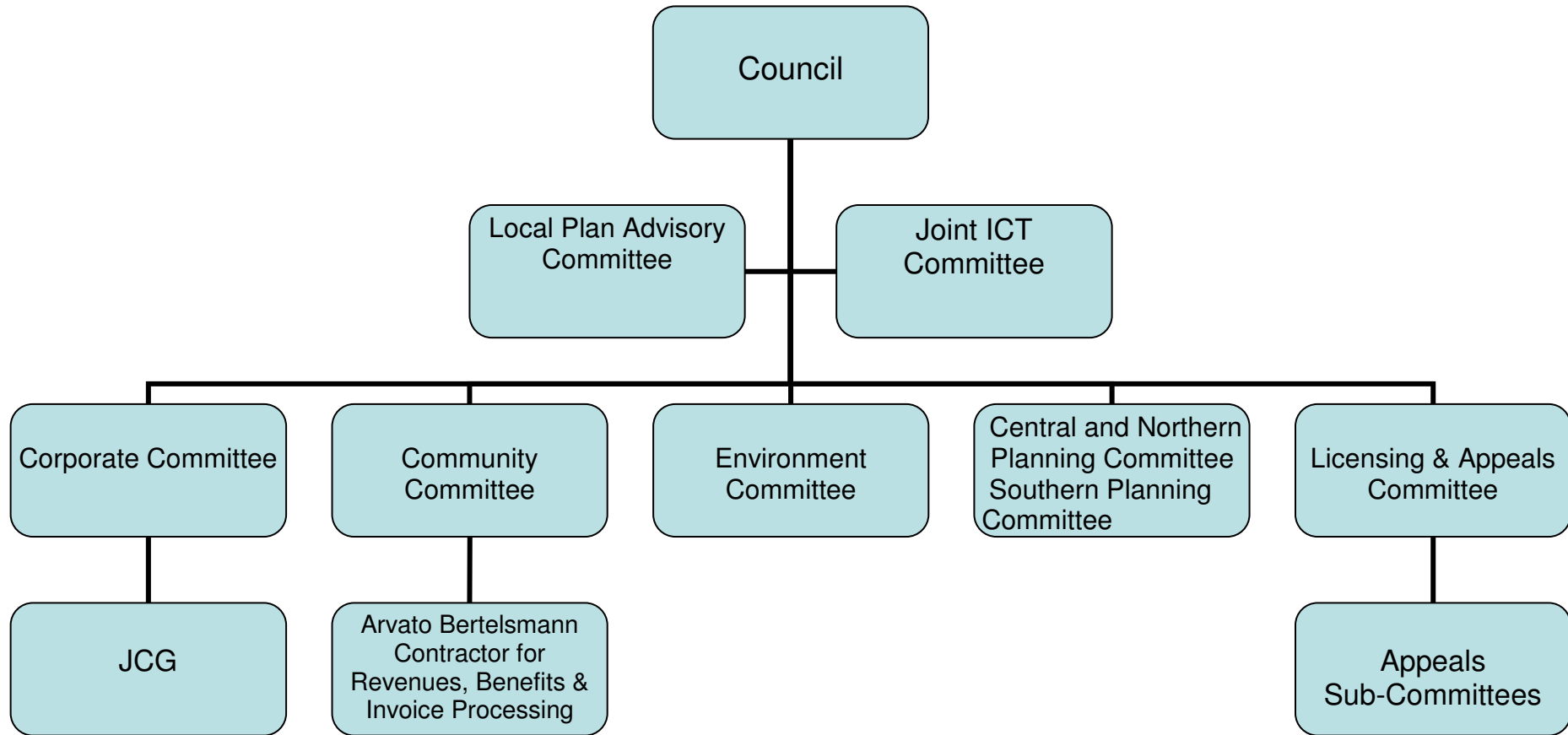


## Part 3

# RESPONSIBILITIES FOR FUNCTIONS

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## 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.

<b>COUNCIL</b>	
Strategic development and adoption	<ul style="list-style-type: none"> <li>• Budget</li> <li>• Code of Conduct for Elected Members</li> <li>• Community Strategy</li> <li>• Consultation Strategy</li> <li>• Corporate Plan of Aims and Objectives</li> <li>• Corporate Improvement Plan</li> <li>• Corporate Priorities</li> <li>• Crime and Disorder Reduction Strategy</li> <li>• Discharge of Functions to Committees</li> <li>• Development Plan Policy</li> <li>• Financial Strategy</li> <li>• Performance Plan</li> <li>• LA21 Sustainability Strategy</li> <li>• Investment and Treasury Management Policy</li> <li>• Prudential Indicators</li> <li>• Minimum Revenue Provision Strategy</li> </ul>
Strategic adoption following recommendations from Committee.	<ul style="list-style-type: none"> <li>• Affordable Housing Strategy</li> <li>• Affordable Warmth Strategy</li> <li>• Arts Strategy</li> <li>• Asset Management Plan</li> <li>• Community Care Plan</li> <li>• Communication Strategy</li> <li>• Cultural Strategy</li> <li>• Cycling Strategy</li> <li>• Early Retirement Policy</li> <li>• Economic Development Plan &amp; Strategy</li> <li>• Empty Property Strategy</li> <li>• Environmental Health Strategy</li> <li>• Equality and Diversity Policy</li> <li>• Food Law Enforcement Plan</li> <li>• Health &amp; Well-Being Strategy</li> <li>• Homelessness Strategy</li> </ul>

Strategic adoption following recommendations from Committee Contd.	<ul style="list-style-type: none"> <li>• Housing Strategy</li> <li>• Human Resources Strategy</li> <li>• ICT and E-Government Strategy</li> <li>• Leisure Strategy</li> <li>• Licensing Policy</li> <li>• Procurement Strategy</li> <li>• Promoting the Dales Strategy</li> <li>• Recycling Strategy</li> <li>• Supported Housing Strategy</li> <li>• Tourism Management Strategy</li> <li>• Waste Management Strategy</li> <li>• Gambling Act 2005 – Statement of Principles</li> <li>• Gambling Act 2005 – Policy not to permit Casinos</li> </ul>
Functional responsibility	<ul style="list-style-type: none"> <li>• Appointment of Chairman of the District of Derbyshire Dales</li> <li>• Appointment of Chief Executive and Departmental Directors</li> <li>• Appointments to Committees</li> <li>• Appointments to Outside Bodies</li> <li>• Comprehensive Performance Assessment</li> <li>• Election of Committee Chairmen</li> <li>• Electoral Administration</li> <li>• Ethical framework</li> <li>• Financial management including treatment of Reserves and Balances</li> <li>• Local Lottery Schemes</li> <li>• Organisational Resources and Review – report of Head of Paid Service</li> <li>• Reports of External Auditor</li> <li>• Scheme of Delegation to Committees</li> <li>• Scheme of Members' Allowances and reports of Independent Remuneration Panel</li> <li>• Statutory probity – reports of Chief Financial Officer and Monitoring Officer</li> </ul>

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

**OFFICER DELEGATION – COUNCIL**

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
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

# 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 three Policy Committees.

As the Policy Committees focus on delivery of the Council's Aims and Objectives the matters they deal with are cross cutting and not departmental or service based.

The Committees each meet every twelve weeks, or at such other periods as business may demand and report to meetings of the full 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 relevant Departmental 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 COMMITTEE**

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

### **Aims**

- **Leading the communities of Derbyshire Dales**
- **Providing excellent services**

### **Priorities**

- **Housing which meets local needs**
- **Safe and healthy communities**

**Service Areas within the remit of this Committee are:**

- ❑ **Arts, leisure, culture and recreation**
- ❑ **Discretionary Grant Schemes**
- ❑ **Public Health and Safety**
- ❑ **Environmental Health and services**
- ❑ **Housing Strategy advice and support**
- ❑ **Leisure Services**
- ❑ **Private Sector Housing**
- ❑ **Crime and Disorder initiatives**
- ❑ **Community Development**

**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 order to carry out the purposes of this Committee.
2. To make recommendations to 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 determine applications for grant aid under the following schemes:
  - The Derbyshire Dales Village Hall Grant Scheme
  - Community Fund Scheme
  - Village Parking Scheme
  - Play Development Scheme

6. To carry out the Council's statutory functions regarding homelessness, housing advice and administer the Home Options scheme.
7. To advise the Council on the private sector renewal policy and monitor expenditure on housing grants.
8. To advise the Council on strategies, policies and projects for leisure, sport, the arts, culture and recreation.
9. To manage, monitor and promote the well-being, and healthy lifestyles within the District's communities.
10. To consider all matters over which the Council has jurisdiction affecting the health of the inhabitants of the District.
11. To encourage the provision of services by local organisations which are likely to enhance the health or welfare of the residents of the District.
12. To develop, monitor and review programmes and activities with the aims of:
  - Promoting improvements in public and personal health,
  - protecting the health and safety of the public,
  - preventing or reducing disease and accidents and
  - helping to meet the needs of the disadvantaged.
13. 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.
14. To determine applications for mandatory and discretionary improvement grants.
15. To set fees and charges for providing the services for which the committee has responsibility.



## OFFICER DELEGATION - COMMUNITY 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.

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Access to Information  Summons and Charges	Local Government (Access to Information) Act 1985	Proper Officer provision <ul style="list-style-type: none"> <li>• Identification and retention of background papers and reports</li> <li>• Identification of exempt information and reasoning of public interest test</li> </ul>	Chief Executive/Corporate Director/Heads of Service  Monitoring Officer and Head of Resources 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
Approval of Disabled Facilities Grants,	Housing Grants, Construction and Regeneration Act 1996  Regulatory Reform (Housing Assistance)  (England and Wales) Order 2002	Approve grant assistance.  Refuse grant assistance.	Head of Regulatory Services/Principal Officer – Environmental Health
Arts Development Scheme	-	To determine distribution of the Arts Development in Derbyshire Dales Fund.	Head of Community Development
Atmospheric Pollution	Clean Air Act 1993	To serve Notices.	Head of Regulatory Services/Principal Officer – Environmental Health/ 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

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Band Concerts - Programme	-	To determine the programme of concerts within financial limits.	Head of Community Development
Byelaws	Local Government Act 1972 S238	Proper Officer - to certify printed copies of byelaws	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
Consultants to Capital schemes	-	In consultation with the Chairman or Vice-Chairman, to appoint consultants to capital schemes within budget and subject to relevant contractual Standing Orders.	Chief Executive/Corporate Director /Heads of Service
Contracts - General		Authority to accept alternative tenders in respect of any contract in the event of a withdrawal before the contract is complete.	Corporate Management Team
Contracts over £5,000 but not exceeding £50,000	-	Authority to adjudicate on the requirement for competitive tender as set out in Rule 3(b)(i)-(ix) of the Contracts Procedure Rules	Corporate Management Team
Control of Dogs	Clean Neighbourhoods and Environment Act 2005 Section 59	Authority to authorise staff to issue fixed penalty notices for offences under this section	Head of 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 Environmental Services/Parks & Street Scene Manager
Control of Dogs	Clean Neighbourhoods and Environment Act 2005 Section 55	Institute proceedings	Head of Environmental Services in consultation with Head of Corporate Services
Control of Disease	Public Health (Infectious Diseases) Regulations 1988	Authority to appoint a proper officer	Corporate Director/Head of Regulatory Services

Subject	Act	Functions Delegated	Officer
Control of Disease	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
Control of Disease	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
Council Tax Reduction Scheme	Local Government Finance Act 1992	The administration of the Council Tax Reduction Scheme (including decisions on the backdating of claims and determining amounts of Hardship Relief to be awarded under the scheme)	Head of Resources/ Revenues Services Manager/Benefits Manager
Food	Food Safety Act 1990 (as amended) and all subordinate legislation.	Authority to appoint Authorised Officers as defined by Section 5(6) of the Act and all subordinate legislation and in accordance with current Codes of Practice.	Corporate Director/Head of Regulatory Services
		To appoint a Public Analyst	Corporate Director /Head of Regulatory Services
Food	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

Subject	Act	Functions Delegated	Officer
Food	Contaminants in Food Regulations 2001	To appoint authorised officers	Corporate Director/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	Corporate Director/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 2002	To appoint authorised officers	Corporate Director/Head of Regulatory Services
		To act as authorised officers	Environmental Health Officers/Environmental Health Technicians
Food	The TSE (England) Regulations 2002	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 Regulatory Services/ Environmental Health Officers/Environmental Health Technicians/Agency staff
Food	Products of Animal Origin (Third Country Imports) (England) (No.4) Regulations 2004	To appoint authorised officers	Corporate Director/Head of Regulatory Services
		To act as authorised officers	Environmental Health Officers/Environmental

Subject	Act	Functions Delegated	Officer
		To institute legal proceedings	Health Technicians Head of Regulatory Services in consultation with Head of Corporate Services
	Products of Animal Origin (Import and Export) Regulations 1996	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
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  (Closing Order for Takeaway Food Shops)	Local Government (Miscellaneous Provisions) Act 1982	To serve notice of intention to make order  To make Closing order or to make variation or revocation order where closing order already exists	Head of Regulatory Services/Principal Officer – Environmental Health  Head of Regulatory Services/Principal Officer – Environmental Health
Food (Closing Order for Takeaway Food Shops)	Local Government (Miscellaneous Provisions) Act 1982	To institute legal proceedings	Head of Regulatory Services in consultation with Head of Corporate Services
Food	The Food Hygiene (England) (no2) Regulations 2005	Authority to appoint Authorised Officers	Corporate Director/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

Subject	Act	Functions Delegated	Officer
		Regulation 8 – Hygiene Emergency Prohibition Notices and Orders	Environmental Health Officers/Environmental 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
Food	The Official Feed and Food Controls (England) Regulations 2005	Authority to appoint Authorised Officers under Regulation 3 (3)	Corporate Director/Head of Regulatory Services
Food	The Official Feed and Food Controls (England) Regulations 2005	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</p>	Head of Corporate Services

Subject	Act	Functions Delegated	Officer
		<p>qualifying conditions.</p> <p>To be given to companies whose stated aim is to provide housing for those satisfying the qualifying criteria. Consent to be conditional on compliance with this requirement</p> <p>All other cases to be referred to Committee for the exercise of their discretion.</p>	
Grants to Village Halls and Community/ Voluntary Organisations	-	<p>To determine applications under the Derbyshire Dales Village Hall Grant Scheme and the Community Fund as follows:</p> <p>To refuse applications that do not match the approved terms of reference</p> <p>To approve grant aid of amounts up to and including £3,000</p>	Head of Corporate Services in consultation with appropriate Ward Member
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

Subject	Act	Functions Delegated	Officer
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 regulation 9	Service of notice prohibiting contact with a dead body	Head of Regulatory Services/ Principal Officer Environmental Health
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/ Principal Officer Environmental Health
		Recovery of costs	Head of Regulatory Services/ Principal Officer Environmental Health
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 Regulatory Services/ Head of Corporate 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



Subject	Act	Functions Delegated	Officer
	Health and Safety at Work etc 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 at Work etc Act 1974	To indemnify inspectors against any action brought against them arising from carrying out their inspectorial duties	Chief Executive/Corporate Director
		To serve improvement/prohibition notices	All Officers, Technicians and Agency Staff authorised under the Act
	Health and Safety at Work etc Act 1974 S28(3)(c)(i)	To act as a proper recipient of information	Corporate Director/Head of Regulatory Services
	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 1995	To act as the enforcing authority in those premises detailed in the Regulations	All Officers, Technicians and Agency Staff authorised under the main Act
	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995	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
Homelessness	Housing Act 1985 and 1996	To make any determination and notify as appropriate.	Head of Housing Services/Housing Strategy Officer/ Homelessness Officers
Private Sector Housing	Housing Act 1985	Institute proceedings.	Head of Regulatory Services in consultation with the Head of Corporate Services
Private Sector	Housing Act 1985	Authority to authorise works	Head of Regulatory

Subject	Act	Functions Delegated	Officer
Housing		in default.	Services/Principal Officer Environmental Health
Private Sector Housing	Housing Act 1985. Local Government Housing Act 1989, Housing Act 1996	Services of Closing Orders, 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
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
Performing Animals	Performing Animals (Regulations) Act 1975	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 Proper Officer  To appoint a Proper Officer	Corporate Director/Head of Regulatory Services  Chief Executive/Corporate Director/Head of Regulatory Services
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

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Pests - Rats and Mice	Prevention of Damage by Pests Act 1949	Institute proceedings	Head of Regulatory Services in consultation with Head of Corporate Services
Petitions	-	Petitions Officer	Head of Corporate Services
Petitions	-	Decisions on ordinary petitions	Corporate Management 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
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
	Housing Act 2004, Section 41	Service of notice of emergency remedial action	All Environmental Health Officers
	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/Principal Officer Environmental Health
	Housing Act 2004	Institute legal proceedings under Part 1.	Head of Regulatory Services in consultation with Head of Corporate Services
	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, Section 73	Application for rent repayment order.	Head of Regulatory 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

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Private Sector Housing	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
	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/Principal Officer Environmental Health
	Housing Act 2004, Section 139	Service of overcrowding notices.	All Environmental Health Officers

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Private Sector Housing	Housing Act 2004, Section 144	Revocation and variation of overcrowding notices.	Head of Regulatory Services/Principal Officer Environmental Health
	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
Public Health - Filthy and Verminous premises and articles	Public Health Act 1936 Sections 84 and 85	<p>Authority to appoint a proper officer</p> <p>To exercise the powers under Sections 84 and 85 of the Act as amended by an enactment.</p>	<p>Chief Executive/Corporate Director/Head of Regulatory Services</p> <p>Head of Regulatory Services/ all Environmental Health Officers and Environmental Health Technicians</p>
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
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 Resources
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

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
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//Principal Officer Environmental Health  Head of Resources
Statutory nuisances	Environmental Protection Act 1990 Pt. III	Institute proceedings	Head of Regulatory Services in consultation with Head of Corporate 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/Principal Officer Environmental Health
Travellers/ Unauthorised Campers	Civil Procedures Rules Part 55	Applications for Possession Orders	Head of Regulatory Services/Principal Officer Environmental Health
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

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
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
Water Supplies	Private Water Supplies Regulations 2009 regulation 18	Service of notices in respect of supplies that constitute a potential risk to human health	Head of Regulatory Services/ Principal Officer – 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



## **CORPORATE COMMITTEE**

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

### **Aims**

- **Improve Quality of Life**
- **Provide Excellent Services**

### **Priorities**

- **A clean, green and prosperous Dales**

**Service Areas within the remit of this Committee are:-**

- **Asset Management**
- **Cultural Framework**
- **Electoral Management**
- **Governance**
- **Internal Audit**
- **Neighbourhood Planning**
- **Planning Statutory Framework**
- **Procurement**
- **Regeneration**
- **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 order to carry out the purposes of this Committee.
2. To make recommendations to 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 develop, monitor and review appropriate policy and procedure in connection with the Council's responsibilities in relation to
  - The statutory planning framework
  - Neighbourhood Plans
  - Community Infrastructure Levy

6. To manage and approve minor amendments to the Council's human resources and associated policies.
7. To recommend to Council any amendments to the annual Pay Policy Statement
8. To advise the Council on strategies to promote the economic and social regeneration of the District and the creation, protection and promotion of opportunities for employment.
9. To co-ordinate initiatives with other agencies and private enterprise aimed at stimulating local investment and creating local employment.
10. To develop appropriate policy and procedure relating to the Council's responsibilities in relation to the Community Right to Challenge.
11. To carry out the Council's role in any economic or social regeneration function or initiative.
12. To exercise the functions of the Council in implementing the provisions of the Localism Act as they relate to ethical standards framework and the assessment and determination of complaints about elected members behaviour.
13. To consider requests for dispensations on the requirement to withdraw from a meeting where
  - (a) the political balance would be upset or
  - (b) where the dispensation may affect the interests of persons living in the District
14. To approve the Council's Asset Management Plan and to decide upon proposals for:
  - (a) the acquisition and disposal of land
  - (b) cleaning, maintenance and improvement of land and property.
15. To develop appropriate policy and procedures in relation to a Council's responsibilities for the List of Assets of Community Value.
16. To undertake the role of Audit Committee and provide assurance of the adequacy of the risk management framework and associated control environment.
17. To approve the Council's Annual Statement of Accounts
18. To consider the External Auditor's report on issues arising from the Audit of Accounts
19. To consider the reports produced in accordance with the Audit Plan and responses to the recommendations made therein.
20. To monitor, manage and promote the Council's Equalities policies.
21. To monitor, develop and amend procedures where appropriate to provide for the efficient, democratic and financial management of the Council.

- 22.** 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.
- 23.** To determine applications to use the Council's land and facilities where objections have been received, for which the Committee has responsibility.
- 24.** To set fees and charges for providing the services for which the committee has responsibility.
- 25.** To consider reports of the proceedings of the Joint Consultative Group.

## OFFICER DELEGATION - CORPORATE 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"> <li>• Identification and retention of background papers and reports</li> <li>• Identification of exempt information and reasoning of public interest test</li> </ul>	Corporate Management Team, Monitoring Officer and Head of Resources 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
Assets of Community Value	-	To determine all nominations for inclusion on the list of Assets of Community Value and initial applications for compensation.	Head of Resources in consultation with Ward Members
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
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

Subject	Act	Functions Delegated	Officer
Complaints re: Elected Member Behaviour		Proper officer to receive complaints of failure to comply with the Code of Conduct	Head of Corporate Services
Consultants to Capital schemes	-	In consultation with the Chairman or Vice-Chairman, to appoint consultants to capital schemes within budget and subject to relevant contractual Standing Orders.	Corporate Management Team
Contracts - General		Authority to accept alternative tenders in respect of any contract in the event of a withdrawal before the contract is complete.	Corporate Management Team
Contracts over £5,000 but not exceeding £50,000	-	Authority to adjudicate on the requirement for competitive tender as set out in Rule 3(b)(i)-(ix) of the Contracts Procedure Rules	Corporate Management Team
Cheque Signatories		To sign cheques on behalf of the Council	Head of Corporate Services/Head of Resources/Accountancy and Exchequer Manager
Chief Financial Officer	Local Gov Finance Act 1988 S.112, Local Gov Act 1972 S.151	Statutory designation	Head of Resources
Council Tax	Local Government Finance Act 1992 – Section 13A	Refusal of applications for local Council Tax discounts(where the District Council has to fund the relief in full)	Head of Resources
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
Non Domestic Rates	Local Government Finance Act 1988 – Section 47	Refusal of applications for discretionary Non Domestic Rate relief (where the District Council has to fund the relief in full)	Head of Resources

Subject	Act	Functions Delegated	Officer
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	Head of Resources
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	Legal Assistant/Revenues Services Manager/Local Taxation Manager
Crime and Disorder	Clean Neighbourhoods and Environment Act 2005	Making of “gating” orders to regulate anti-social behaviour	Head of Community Development
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.	Head of Resources  Head of Corporate Services
Discipline - formal warnings	-	To issue formal warnings in accordance with the Disciplinary Procedure.	Corporate Management Team
Discipline - dismissal	-	To dismiss employees in accordance with the Disciplinary Procedure.	Corporate Management Team
Dispensations	Localism Act	To grant dispensations from the requirement to withdraw from a meeting in circumstances where so many of the decision	Head of Corporate Services

Subject	Act	Functions Delegated	Officer
		making bodies have DPI's in a matter that would impede transaction of business.	
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.	Chief Executive Deputy – Head of Corporate Services
Electoral Registration		Proper Officer - role of Registration Officer	Chief Executive
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
Finance – Proper Officer		Administration arrangements in relation to the Council's liabilities for: <ul style="list-style-type: none"> <li>• Income Tax</li> <li>• VAT</li> <li>• National Insurance</li> </ul>	Head of Resources
Finance – Proper Officer		To authorise opening of bank accounts under the Council's banking services contract	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
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	Solicitor

Subject	Act	Functions Delegated	Officer
		Responding to specific requests for information and issuing decision notices.	
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
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.	Head of Regulatory Services/Development Manager  Head of Regulatory Services/Head of Corporate Services
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
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 Environmental Services
Land Transactions	All relevant	To grant licences, periodic tenancies and leases (for less than 7 years) at a fee/rental not exceeding £25,000 per annum.	Head of Resources



Subject	Act	Functions Delegated	Officer
Land Transactions	All relevant	To grant or obtain easements and wayleaves; to consent assignments, sub-lettings and surrenders.	Head of Resources
Land Transactions	All relevant	To approve the revision of rents and licence fees; to approve amendments to their terms.	Head of Resources
Land Transactions	All relevant	To approve the sale of land where the estimated value is less than £5,000.	Head of Resources 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.	Solicitor/Legal Assistant
Members' Interests	Local Gov Act 1972 S.96	Proper Officer for receipt of notifications of interest in contracts etc.	Head of Corporate Services
Monitoring Officer	Local Gov & Housing Act 1989 S.5	Statutory designation	Head of Corporate Services
Mortgage Advances		Determination of applications for eligibility for a mortgage advance from owner/occupiers	Head of Resources
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	Head of Resources

Subject	Act	Functions Delegated	Officer
National Non Domestic Rates	Local Gov Finance Act 1988 (Section 49)	Determination of applications for hardship relief	Head of Resources
National Non Domestic Rates	Local Gov Finance Act 1988 (Section 47)	Determination of applications for discretionary rate relief	Head of Resources
Neighbourhood Planning	Localism Act 2011 Town & Country Planning Act 1990 Planning & Compulsory Purchase Act 2004 Neighbourhood Planning (General) Regulations 2012	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 are received during the publicity period	Planning Policy Manager/Corporate Director or Head of Regeneration & Policy in the absence of Planning Policy Manager
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 Management 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 Environmental Services
Recruitment	-	To fill vacant posts on current establishment with prior consent of the Chief Executive.	Corporate Management 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 Management Team
Re-possession and Rent Arrears		In consultation with Chairman and Vice-Chairman of the appropriate Committee, to	Head of Corporate Services

Subject	Act	Functions Delegated	Officer
		initiate proceedings for re-possession of properties and the recovery of rent arrears	
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
RIPA	Regulation of Investigatory Powers Act	To be designated persons for the granting of authorisations	Head of Regulatory Services/Head of Housing/Head of 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
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
Rural Rate Relief	Local Gov & Rating Act 1997 (Section 1)	Authority to grant the extended provisions of the rural rate relief regulations	Head of Resources
Rural Rate Relief	Local Gov & Rating Act 1997 (Section 1)	Annual review of the Rural Settlement List	Head of Resources
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
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
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	Head of Resources

## **ENVIRONMENT COMMITTEE**

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

### **Aims**

- **Improving Quality of Life**
- **Protecting and enhancing the environment**
- **Providing excellent services**

### **Priorities**

- **A clean, green and prosperous Dales**
- **Safe and healthy communities**

Service Areas within the remit of this Committee are:-

- Car Parking**
- Conservation Area designation and enhancement**
- Countryside Management**
- Building Control**
- Cemeteries and Burials**
- Environmental improvement**
- Highway agency arrangements**
- Land Drainage**
- Markets and street trading**
- Matlock Bath Illuminations & Venetian Nights**
- Public conveniences**
- Waste management**
- Street Cleansing**

- **Tourism**
- **Tree Protection**

**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 order to carry out the purposes of this Committee.
2. To be responsible for the effective management of services for which the Committee has responsibility.
3. To provide and manage the Council's functions for the following services:
  - parks and public open spaces
  - grounds maintenance
  - public convenience cleaning
  - refuse collection
  - recycling
4. To be accountable for the efficient use of resources under its control subject to virement levels.
5. To carry out the Council's duties in relation to the powers and provisions of the relevant legislation in respect of:
  - Local land charges
  - Cemeteries and burial grounds
6. To promote tourism, including partnership working with the Peak District and Derbyshire Destination Management Partnership.
7. To carry out the Council's duties in relation to the powers and provisions of the relevant legislation in respect of:
  - traffic management
  - car parking
  - markets, temporary markets and street trading
  - cleaning and safety amenities maintenance of highways.
8. To develop, monitor and review programmes and activities with the aims of conserving the special landscape, bio-diversity and cultural heritage of the District, improving its appearance and encouraging greater awareness of care and enjoyment of the environment.
9. To promote, manage and be accountable for the Council's policies and programmes towards achieving a sustainable environment.
10. To develop, monitor and renew programmes and activities in addressing climate change.
11. To review environmental management measures and codes of practice, which contribute towards achieving sustainable development and act as a catalyst to accelerate the activities of various interest groups, supporting community activity by partnership working.

12. 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.
13. 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.
14. To consider the reports produced in accordance with the Audit Plan and responses to the recommendations therein.
15. To set fees and charges for providing the services for which the Committee has responsibility.

## OFFICER DELEGATION – ENVIRONMENT COMMITTEE

In order for the Committees to concentrate their time and efforts on policy and strategic matters, routine decision making matters are delegated to officers. The following table sets out the subject areas and responsible officers for delegations from this Committee.

Subject	Act	Functions Delegated	Officer
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
Abandoned Vehicles & Refuse	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
Abandoned Vehicles & Refuse	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"> <li>• Identification and retention of background papers and reports</li> <li>• Identification of exempt information and reasoning of public interest test</li> </ul>	Corporate Management Team
Access to Information	-	To increase charges for production of background papers, agenda reports and minutes annually, in line with	Head of Corporate Services

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
		inflation.	
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/Principal Officer Environmental Health
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 & Environment Act 2005 Section 77	Power of entry.	Environmental Health Officers
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.	Head of Corporate Services
Byelaws	Local Government Act 1972 S238	Proper Officer – to certify printed copies of byelaws	Head of Corporate Services

Subject	Act	Functions Delegated	Officer
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
Car Parking Enforcement	Road Traffic Regulations Act 1984 S.35A and 112	To carry out Prosecutions.	Head of Environmental Services/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
Churchyards not closed by statute	-	To increase grant level annually in line with inflation.	Head of Corporate Services
Consultants to	-	In consultation with the	Corporate Management



Subject	Act	Functions Delegated	Officer
capital schemes		Chairman or Vice Chairman, to appoint consultant to capital schemes, within budget and subject to relevant Contractual Standing Order.	Team
Contaminated Land  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  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 Management Team
Contracts over £5,000 but not exceeding £50,000	-	Authority to adjudicate on the requirement for competitive tender as set out in Rule 3(b)(i) -(ix) of the Contracts Procedure Rules.	Corporate Management Team
Dangerous Structures	Building Act 1984 s. 77	Make application for an Order to the Magistrates' Court  Authorise works in default	Head of Corporate Services/Head of Regulatory Services  Head of Regulatory Services/Senior Building Control Surveyor

Subject	Act	Functions Delegated	Officer
Dangerous Structures	Building Act 1986 s. 77	Institute proceedings	Head of Corporate Services/Head of Regulatory 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 Regulations 2009 – Section 31	To act as authorised officers	Head of Regulatory Services/Principal Officer – Environmental Health/Environmental

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
			Health Officers
Environmental Damage	Environmental Damage Regulations 2009	Service of notices	Head of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers
Environmental Damage	Environmental Damage Regulations 2009	To authorise works in default and recover costs.	Head of Regulatory Services/Principal Officer – Environmental Health
Environmental Damage	Environmental Damage Regulations 2009	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 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
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
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 Environmental Services/Parks & Street Scene Manager
Graffiti and Fly-Posting	Anti Social Behaviour Act 2003	Institute proceedings	Head of Environmental Services in consultation with the Head of Corporate Services
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
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	Head of Corporate Services

Subject	Act	Functions Delegated	Officer
		where such action is necessary to give effect to decisions of the Environment Committee where such action is necessary to protect the Council's interests.	
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 Environmental Services/Parks & Street Scene Manager
Litter	Section 87 of the Environmental Protection Act 1990	Institute legal proceedings	Head of 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 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	Head of Environmental Services/Parks & Street Scene Manager
Litter	Environmental Protection Act 1990 Section 92C	Institute proceedings for failure to comply with a litter clearing notice	Head of Environmental Services in consultation with Head of Corporate Services
Litter	Environmental Protection Act 1990 Section 92C	Undertake works in default and recover costs	Head of Environmental 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 Environmental Services/Parks & Street Scene Manager
Litter	Clean Neighbourhoods and Environment Act 2005 Sections 22 and 24 & Environmental Protection Act 1990	Authority to authorise members of staff to issue fixed penalty notices for breaching street litter control notices	Head of Environmental Services/Parks & Street Scene Manager

Subject	Act	Functions Delegated	Officer
	Section 94		
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 Environmental Services
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 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 Environmental Services/Parks & Street Scene Manager
Litter	Clean Neighbourhoods and Environment Act 2005 Section 23 Environmental Protection Act 1990 Sections 94B and Schedule 3A	Authority to authorise members of staff to issue fixed penalty notices for offences under this section	Head of Environmental Services
Litter	Clean Neighbourhoods and Environment Act 2005 Section 23 Environmental Protection Act 1990 Sections 94B and Schedule 3A	Authority to authorise members of staff to require the name and address of a person to whom a fixed penalty notice is to be issued	Head of Environmental Services
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 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 this section	Head of Environmental Services/Waste & Recycling Officer
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	Building Act 1984	Institute Proceedings.	Head of Regulatory

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Escape	Section 72		Services in consultation with Head of Corporate Services
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
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 offence 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
Petitions		Petitions Officer	Head of Corporate Services
Petitions		Decisions on ordinary petitions	Corporate Management 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
Petitions		Authority to make minor amendments to the Council's Petitions Policy	Head of Corporate Services

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
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 2007	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 2007	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 2007	Institute Proceedings	Head of Regulatory Services in consultation with 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.	Head of Regulatory Services/ Development Control Manager

Subject	Act	Functions Delegated	Officer
		To respond to notifications relating to the felling or pruning of trees in Conservation Areas.	
Provision of sanitary conveniences at places of entertainment etc	Local Government (Miscellaneous Provisions) Act 1976	<p>Authority to appoint authorised officers</p> <p>To act as Authorised Officers</p> <p>To serve occasional or continuous notice</p> <p>To institute legal proceedings</p>	<p>Head of Regulatory Services</p> <p>All Environmental Health Officers/ Environmental Health Technicians</p> <p>Head of Regulatory Services</p> <p>Head of Regulatory Services in consultation with Head of Corporate Services</p>
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 Development/Head of Environmental Services
Statutory Nuisances	Environmental Protection Act 1990 Pt. III	<p>Power to enter premises</p> <p>To serve Abatement Notices</p>	<p>Head of Regulatory Services/All Environmental Health Officers/ Environmental Health Technicians</p> <p>Head of Regulatory Services/All Environmental Health Officers</p>
Statutory Nuisances	Environmental Protection Act 1990 Part III	<p>To authorise works in default, serve notice of intention to recover expenses</p> <p>To recover expenses</p>	<p>Head of Regulatory Services/Principal Officer Environmental Health</p> <p>Head of Resources</p>
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 Environmental Services
Stray Dogs		To approve an increase in kennelling fees where necessary	Head of Environmental 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, in consultation with the Chairman or Vice-	Head of Regulatory Services/Head of Corporate Services



Subject	Act	Functions Delegated	Officer
		Chairman of appropriate Committee.	
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.	Head of Regulatory Services/Licensing Manager
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 1989 Section 5	Issue of fixed penalty notices for offences under this section	Head of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Officers
Transport of Waste	Control of Pollution (Amendment) Act 1989 Section 5	Institute proceedings	Head of Regulatory Services in consultation with Head of Corporate 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 1989	Powers to stop and search vehicles	Head of Regulatory Services/Principal Officer – Environmental Health/

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
			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 – Commercial	Environmental Protection Act 1990 Section 34A	Issue of fixed penalty notices for offences under this section	Head of Environmental Services/ 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 Environmental Services in consultation with Head of Corporate Services

## **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.

## **PLANNING COMMITTEES - Central and Northern Area; Southern Area**

The Planning Committees implement planning policy, the development of which is carried out by the full Council. They do this through dealing with regulatory business i.e. determining all planning applications.

Meetings are held once a month per committee 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) except those reserved to the Area Community Forums
2. Where any application has an environmental impact beyond the area of one committee, the committee with jurisdiction over the application site will determine the application. The views of the Chairman (or Vice-Chairman on his/her absence) of the affected area will be documented in the report for consideration)
3. 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.
4. To determine the levels of delegation to officers within the Committee's remit.

## OFFICER DELEGATIONS - PLANNING COMMITTEES

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

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/Corporate Director</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
Development Control	<p>Town &amp; 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"> <li>■ Full and Outline planning applications.</li> <li>■ Applications for Approval of Reserved Matters</li> <li>■ Advertisement Consent Applications.</li> <li>■ Listed Building Applications.</li> <li>■ Certificates of Lawful Proposed use or Development.</li> <li>■ Certificate of Lawful Existing Use or Development Prior Approval</li> <li>■ Agricultural prior Notifications.</li> <li>■ Circular 18/84 Notifications (development by Government Departments).</li> <li>■ Notifications Under the Electricity Act 1989 (Overhead Lines).</li> <li>■ Hedgerow Notifications.</li> <li>■ Applications for Hazardous Substance Consent.</li> <li>■ Discharge of Condition applications.</li> <li>■ Certificates of Appropriate Alternative Development.</li> <li>■ Ecclesiastical Notifications</li> <li>■ Minor Material Amendments (S.73)</li> </ul>	Development Manager/Corporate Director (Head of Regulatory Services in the absence of the above)

Subject	Act	Functions Delegates	Officer
Development Control - Cont'd		<ul style="list-style-type: none"> <li>■ Extension of Time Limits</li> </ul> <p>These powers are subject to the following provisions:</p> <ol style="list-style-type: none"> <li>1. The agreement of the Ward Member(s), their having received or been informed of the Parish/Town Council comments in advance, that a determination be made contrary to, or in the absence of, the views of the Parish/Town Councils, provided that the period for consultation has expired and no request for an extension has been received in writing at the time of determination.</li> <li>2. The application does not have a significant environmental impact extended beyond the Ward in which it is situated.</li> </ol>	Development Manager/Corporate Director
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.	Development Manager/Corporate Director
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/Corporate Director
Development Control	Town and Country Planning Act 1990	Power to decline to determine applications	Development Manager/Corporate Director
Development Control	Town and Country Planning Act 1990	Demolition Prior Notifications	Development Manager/Corporate Director



<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Enforcement	Section 196A and 196B Town & Country Planning Act 1990	To authorise persons to enter any land.	Head of Regulatory Services/Development Manager
Enforcement	Section 196A and 196B Town and Country Planning Act 1990	To authorise persons to enter land.	Head of Corporate Services/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
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/Corporate Director
General	All Acts	<p>That where there are clear and substantive grounds for refusal based upon Development Plan policy, Members be encouraged to accept that a recommendation of refusal need not necessarily result in a referral to Committee.</p> <p>That, subject to the agreement of the Ward Member(s), authority be granted to the Development Manager/Corporate Director to refuse applications under delegated authority contrary to, or in the absence of, the views of Town/ Parish Councils provided that the period for consultation has expired and no request for an extension has been received in writing at the time of determination.</p>	Development Manager/Corporate Director

Subject	Act	Functions Delegated	Officer
General	All Acts	<p>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.</p> <p>That, prior to any application being determined under the delegation arrangements, Officers will attempt to make contact with Members on no less than two separate occasions. If no contact is made, authority be delegated to the Development Manager/Corporate Director to either determine the application in the absence of the Ward Member's views or refer the application to Committee for determination.</p>	<p>Development Manager/Corporate Director</p> <p>Development Manager /Corporate Director</p>
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



<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Planning	Town and Country Planning Acts and subordinate legislation	Proper Officer to issue decision/enforcement Notices	Development Manager
Section 106 Obligations	Town & Country Planning Act 1990 S.106A	To determine requests/applications for the modification or discharge of planning obligations.	Development Manager
Section 52 Agreements	Town and Country Planning Act 1971 and 1990 S 106A	To determine requests for the modification or discharge of Planning Agreements	Development Manager

## **LOCAL PLAN ADVISORY COMMITTEE**

### **Terms of Reference**

To recommend to the Council policies and proposals for inclusion in Development Plan documents forming part of the Council's Local Development Framework.

## **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 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
	Dangerous Wild Animals Act 1976	To authorise Officers, Technicians and other competent persons. To institute legal proceedings.	Head of Corporate Services in consultation with Head of Regulatory Services
	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.	Chief Executive/Corporate Director/Head of Regulatory Services  Licensing Manager/ Head of Regulatory Services
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.	Corporate Director/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 Animals Act 1951 (Amendment) Act 1983	To authorise Officers, Technicians, veterinary surgeons or practitioners. To institute legal proceedings.	Corporate Director/Head of Regulatory Services Head of Corporate Services in consultation with Head of Regulatory Services

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Animal Welfare Licenses	Riding Establishments Act 1964 and 1970	<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>Licensing Manager/Head of Regulatory Services</p> <p>Licensing Manager/Head of Regulatory Services</p> <p>Licensing Manager/Head of Regulatory Services</p> <p>Corporate Director/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 /Head of Environmental Services</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
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

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
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
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

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
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  Corporate Director/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/Principal Officer Environmental Health
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 1831 S.41	To authorise proceedings for illegal gaming on Council owned land.	Head of Regulatory Services in consultation with Head of Corporate Services – Needs to be checked
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

<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
Guard Dogs Kennels	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.	Licensing Manager/Head of Regulatory 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 Regulatory Services/Head of Corporate Services
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/Principal Officer Environmental Health
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/Principal Officer Environmental Health
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/Principal Officer Environmental Health
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/Principal Officer Environmental Health



<b>Subject</b>	<b>Act</b>	<b>Functions Delegated</b>	<b>Officer</b>
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 and Administration Manager/ Head of Regulatory Services.
Private Hire & Hackney Carriages	Local Government (Miscellaneous Provisions) Act 1976, as amended, all relevant sections.	To suspend or revoke a driver or operator licence	Licensing Manager/Head of Regulatory Services
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/Operations Manager
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	To enforce, and authorise others to enforce, under any of the relevant provisions of both Acts.	Head of Regulatory Services/Licensing Manager

Subject	Act	Functions Delegated	Officer
	1976, as amended, all relevant sections		
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 whether a change in premises is substantial	Licensing Act 2003, Section 36 (6)	To determine whether a change in premises is substantial	Head of Regulatory Services/ 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. 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 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