

## Environmental & Development Services Committee - Responsibility for Functions

EDS	To make proposals for the provision of its services for consideration of the Finance & Management Committee when it is drafting the Community Strategy and the Corporate Plan for consideration by Full Council.
EDS01	The exercise of the Council's Land drainage functions and its functions relating to the clearance and maintenance of private drains and sewers. Amenity maintenance (as agents of the local Highways Authority).
EDS02	Proposals to make Compulsory Purchase Orders under the Town and Country Planning Acts. Proposals for discontinuance of use or revocation / modification of planning consents. Purchase Notices under the Town and Country Planning Acts.
EDS03	The management and promotion of activities within Swadlincote Town Centre. To monitor and review the housing, industrial and commercial needs of the District To make proposals for approval or adoption by the Council of the plans and alterations which together comprise the Development Plan. To make proposals for inclusion in the County Structure Plan.
EDS04	To exercise powers and duties under the Town and Country Planning Acts and related legislation in respect of conservation and heritage, namely Listed Building Control, Building Preservation Notices and Historic Building Grants. To determine applications for Historic Buildings Grants. To liaise with Derbyshire County Council over records and archives.
EDS05	To carry out, on behalf of the Council, all its powers and duties in relation to Building Regulations and related legislation. The exercise of the Council's functions in respect of dangerous trees, buildings and structures. To exercise powers and duties under the Town and Country Planning Acts and related legislation in respect of Street Naming and House Numbering.
EDS06	To exercise the Public Rights of Way Agency and to create, extinguish and divert public rights of way.
EDS07	The exercise of the Council's functions in respect of waste disposal, recycling, street cleansing and litter.
EDS08	The exercise of the Council's functions in respect of refuse collection.
EDS09	The exercise of the Council's functions in respect of street cleansing and litter.
EDS10	The provision, management, promotion, publicity and co-ordination of all matters dealing with economic development for the District. The provision of business advice and support as part of the Derbyshire Business Link. Schemes for the reclamation of areas of derelict land.
EDS11	The provision, management, promotion, publicity and co-ordination of all matters dealing with tourism for the District.
EDS12	The exercise of the Council's functions in respect of the Land Charges service.

## Responsibility for Functions (continued)

EDS13	The exercise of the Council's functions in respect of health and safety enforcement and corporate health and safety.
	The exercise of the Council's functions in respect of food safety.
	Welfare duties including committals to hospital and control of filthy and verminous persons, premises and articles.
	The control of offensive trades.
	Subject to Terms of Reference for the Licensing & Appeals Committee, the provision, management and enforcement of the Council's licensing and registration functions.
	The exercise of the Council's functions in respect of the Sunday trading laws and hours of trading.
	The exercise of the Council's functions in respect of abandoned vehicles.
EDS14	The exercise of the Council's functions in respect of pollution control.
	The provision and management of the service governing nuisances and matters prejudicial to health, including noise and vibration control.
	The declaration of noise abatement zones.
	The provision and management of the pest control service.
	The exercise of the Council's functions in respect of animal welfare, dog wardens and disease.
	Water guarantee schemes.
	The exercise of the Council's functions in respect of the control of water quality.
	The exercise of the Council's functions in respect of contaminated land.
EDS15	The provision and management of public conveniences, bus shelters, Swadlincote bus station, public car parks and the Swadlincote Market Contract

## Environmental &amp; Development Services Committee -

## Review of Agenda Items (May 2001 – May 2002)

DATE	OPEN /EXEMPT	SUBJECT
<b>Members' Reports</b>		
3 Jan 02	O	Gritting of roads
14 Feb 02	O	Willington highway speed limit
14 Feb 02	O	Public toilet provision
14 Feb 02	O	Composting Scheme - Repton
28 Mar 02	O	Derbyshire Tourism Forum
28 Mar 02	O	Rural Commission
28 Mar 02	O	Public toilet provision
28 Mar 02	O	Multi modal Study
<b>Reports from Overview &amp; Scrutiny Committee</b>		
27 Sept 01	O	Report of Overview and Scrutiny Committees Cleansing the Environment BVR to be discussed later on agenda)
3 Jan 02	O	Report of Overview and Scrutiny Committees – Options for public toilets
<b>Plans and Strategies (Including Service Plans, Audit Reports)</b>		
16 Aug 01	O	Settlement Hierarchy – implications of Planning Policy Guidance Note 3
16 Aug 01	O	Responses to Draft Tourism Strategy
8 Nov 01	O	Service Plans
8 Nov 01	O	Derbyshire Learning and Skills Council – outline strategic plan 2002 to 2005
8 Nov 01	O	Swadlincote Walking Strategy -consultation
8 Nov 01	O	Burton – Leicester National Cycling Route (core part Derbyshire Local Transport Plan)
3 Jan 02	O	Derbyshire Waste Management Strategy – SE Derbyshire Waste Sub Group contract with Brightstar Environmental
3 Jan 02	O	Tourism Action Plans 2001/02 and 2002/03
3 Jan 02	O	South Derbyshire Local Plan Review
14 Feb 02	O	Green Paper on planning
14 Feb 02	O	North/south movements on the M1 corridor in the East Midlands- consultation on the preferred package
14 Feb 02	O	General enforcement policy for Environmental Health Division
14 Feb 02	O	Health and Safety Enforcement Policy
14 Feb 02	O	H & S Audit of SDDC's H&S inspection frequency/systems undertaken by the HSC
<b>Budget issues</b>		
5 Jul 01	O	Capital Programme – Play Equipment
5 Jul 01	O	Cemeteries – consultation on fees and charges
8 Nov 01	O	Derby and Sandiacre Canal Restoration Proposal
3 Jan 02	O	General Fund Budgets 2001/02 and 2002/03
3 Jan 02	O	Capital Programme 2002/03
14 Feb 02	O	Moira Replan

<b>Best Value Reviews</b>		
5 Jul 01	O	Development Control Implementation Plan
27 Sep 01	O	Cleansing the Environment
8 Nov 01	E	Cleansing the Environment – Interim challenge
<b>Service developments (reductions)/capital projects (e.g. introduction of new composting rounds etc)</b>		
27 Sep 01	O	Levels of service for refuse collection
8 Nov 01	O	Public toilets
8 Nov 01	O	Refuse collection arrangements for Christmas 2001 and New Year Bank holiday 2002
28 Mar 02	E	Option appraisals for pest control
<b>Procurement (e.g. purchase of new freighter)</b>		
16 Aug 01	E	Ad hoc list of contractors – provision of play equipment and safety surfacing
8 Nov 01	E	Contract for the supply of temporary staff
14 Feb 02	O	Vehicle procurement 2002/03
<b>Committee Administration (e.g. diversion of footpath)</b>		
27 Sep 01	O	Proposed diversion of public footpath No 5 Parish of Etwall
3 Jan 02	O	Proposed change to speed limit on A511
14 Feb 02	O	Proposed diversion of public footpath No16 parish of Smisby
28 Mar 02	O	Proposed diversion of public footpath No4 parish of Overseal
28 Mar 02	O	Request to forward reply to DEFRA re Abandoned vehicles
<b>Other items</b>		
16 Aug 01	O	Bretby Crematorium Joint Committee
27 Sep 01	O	Bretby Crematorium Joint Committee

## Review of Agenda Items (May 2002 – May 2003)

DATE	OPEN /EXEMPT	SUBJECT
<b>Members' Reports</b>		
11 Jul 02	O	Proposed industrial action /impact on services
22 Aug 02	O	Composting Scheme
3 Oct 02	O	Footpaths officer
3 Oct 02	O	CHC Meeting,
3 Oct 02	O	Composting Scheme and recycling,
3 Oct 02	O	Street cleansing
3 Oct 02	O	Adoption of highways
14 Nov 02	O	Eureka Lodge
7 Jan 03	O	Barrie Whyman recognised in the Queen's New Year Honours
6 Mar 03	O	Occupation of a lay-by at Barrow on Trent by Travellers
6 Mar 03	O	Litter problems at Newhall
<b>Reports from Overview &amp; Scrutiny Committees</b>		
<b>Plans and Strategies (Including Service Plan, Audit reports)</b>		
30 May 02	O	Service Plans monitoring reports
30 May 02	O	Derbyshire Tourism Strategy
11 Jul 02	O	Food enforcement – service plan
11 Jul 02	O	Derby and Derbyshire Waste Local Plan
3 Oct 02	O	Cross regional Economic Development Strategy for the National Forest and surrounding areas
14 Nov 02	O	Service Plans monitoring reports
14 Nov 02	O	2003/04 Service Plans
14 Nov 02	O	Update on the Strategy for dealing with Dog Fouling in the district
20 Nov 02	O	South Derbyshire Local Plan Review
30 Jan 03	O	House extensions (Supplementary Planning Guidance)
<b>Budget issues</b>		
30 May 02	O	Increasing costs of the collection of fridges and freezers
7 Jan 03	O	General Fund Budgets 2002/03 and 2003/04
7 Jan 03	O	Capital Programme 2003/04
<b>Best Value Reviews</b>		
30 May 02	O	Best Value Review – Cleansing the Environment
14 Nov 02	O	Best Value Review of Development Control Implementation Plan process
<b>Service developments (reductions)/capital projects (e.g. introduction of new composting rounds etc)</b>		
30 May 02	O	Compost Scheme
30 May 02	E	Proposed National Forest Tourism partnership –to produce joint tourism promotional material
30 May 02	E	Footpaths Agency – retention of
11 Jul 02	O	Private Hire Plates- introduction of
11 Jul 02	O	Food enforcement
11 Jul 02	O	Collections from the Council's recycling centres
22 Aug 02	E	Disposal of Public toilets
7 Jan 03	O	Extension of Compost Scheme
30 Jan 03	O	Provision of new Bus Shelters – Swadlincote Bus Station
30 Jan 03	O	Motor Salvage Operators Regulations 2002

2002/03		
<b>Procurement (e.g. purchase of new freighter)</b>		
30 May 02	O	Vehicle procurement –clinical waste service vehicle
30 May 02	E	Compost Scheme –part obtain competitive tenders
30 May 02	E	Vehicle procurement –Footway sweeper
22 Aug 02	O	Willington Public toilet – efforts of Parish Council to appoint a cleaner
30 Jan 03	O	Willington Toilets – partnership agreement with Parish Council to clean toilets
6 Mar 03	O	Direct Services Organisation – Vehicle and Plant Requirements 2003/04
6 Mar 03	E	Direct Services Organisation – Quotation for Sub Contractors to carry out ad-hoc works
6 Mar 03	E	Purchase of refuse freighter from lease company
6 Mar 03	E	Contract for the management of Swadlincote Market
<b>Committee Administration (e.g. diversion of footpath)</b>		
30 May 02	O	Proposed diversion of public footpath no's 9 and 45 Church Broughton
11 Jul 02	O	Proposed diversion of public footpath no 5 Parish of Rosliston
11 Jul 02	O	Proposed diversion of public footpath no 5 Parish of Foston & Scropton
11 Jul 02	O	Authorisation of Officer for H&S at Work etc
11 Jul 02	O	Scheme of delegation and authorisation of Officers for abandoned vehicles
22 Aug 02	O	Proposed diversion of public footpath no 6 Parish of Sutton on the Hill
7 Jan 03	O	Proposed diversion of public footpath no's 9 Parish of Foston & Scropton
30 Jan 03	O	Proposed diversion of public footpath no 31 Swadlincote
30 Jan 03	O	Alterations to Rights of Way Network at Tetron Point Swadlincote
30 Jan 03	O	Proposed diversion of public footpath no 42 & 44 Swadlincote
30 Jan 03	O	Authorisation of Officer for H&S at Work etc
30 Jan 03	O	Application for trade of ice cream vehicle in consent area
30 Jan 03	E	Land at Number 22 The Green Findern
6 Mar 03	O	Civic offices Car Park abuse of Disabled Parking Bays
6 Mar 03	E	Traveller problem – Aston on Trent
6 Mar 03	E	Newhall Toilets – transfer to OPRA for community purposes
<b>Other items</b>		
7 Jan 03	O	Updating the English Indices of Deprivation – Stage 1 consultation report
30 Jan 03	O	The National Forest and Beyond – Tourism leaflet – circulation thereof

## Review of Agenda Items (May 2003 – July 2003)

DATE	OPEN /EXEMPT	SUBJECT
<b>Members' Reports</b>		
<b>Reports from Overview &amp; Scrutiny Committees</b>		
27 May 03	O	Report of Overview and Scrutiny Committees –Monitoring of Council Plans and Strategies
<b>Plans and Strategies (Including Service Plans, Audit reports)</b>		
27 May 03	O	Service Plans – Final monitoring reports
27 May 03	O	Housing design and layout (Supplementary Planning Guidance)
10 Jul 03	O	Tourism Strategy for the East Midlands
10 Jul 03	O	Local Plan Inquiry – proposed change of policy – Burnaston Cross
<b>Budget issues</b>		
<b>Best Value Reviews</b>		
30 May 03	O	Development Control Best Value Review Implementation Plan
<b>Service developments (reductions)/capital projects (e.g. introduction of new composting rounds etc)</b>		
30 May 03	O	Disbursement of Planning delivery Grant 2003/04
10 Jul 03	O	Mediation Services
10 Jul 03	O	Updating of Building Control Performance standards
<b>Procurement (e.g. purchase of new freighter)</b>		
<b>Committee Administration (e.g. diversion of footpath)</b>		
30 May 03	O	Proposed diversion of public footpath No 5 Parish of Etwall
30 May 03	O	New Generation Enterprise Zones
10 Jul 03	O	Amendments to scheme of delegation and authorisation of officers
10 Jul 03	O	Review of Committee terms of reference
10 Jul 03	O	Proposed diversion of public footpath No 31 Swadlincote
<b>Other items</b>		

**Extract Council Procedure Rules -  
Questions by Members**

**11. QUESTIONS BY MEMBERS**

**11.1 On Reports of Committees**

A Member of the Council may ask the Chair of a Committee any question without notice upon an item contained in a report of a Committee when that item is being received or under consideration by the Council.

**11.2 Questions on Notice at Full Council**

Subject to Rule 11.4, a Member of the Council may ask:

- (a) the Chair;
- (b) the Leader; or
- (c) the Chair of any Committee or Sub-Committee

a question on any matter in relation to which the Council has powers or duties or which affects South Derbyshire.

**11.3 Questions on Notice at Committees and Sub-Committees**

Subject to Rule 11.4, a Member of a Committee or Sub-Committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which affects South Derbyshire and which falls within the terms of reference of that Committee or Sub-Committee.

**11.4 Notice of Questions**

A Member may only ask a question under Rule 11.2 or 11.3 if either:

- (a) they have given notice in writing of the question to Chief Executive by 10.00am on the working day before the day of the Meeting ; or
- (b) the question relates to urgent matters, they have the consent of the Chair to whom the question is to be put and the content of the question is given to the Chief Executive by noon on the day of the Meeting.

**11.5 Response**

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.



**11.6 Supplementary Question**

A Member asking a question under Rule 11.2 or 11.3 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

## SCHEME OF DELEGATION

(Approved - Council Meeting 24 July 1997)

**ALL DELEGATIONS ARE SUBJECT TO THE PROVISIONS OF  
FINANCIAL REGULATIONS, COUNCIL STANDING ORDERS,  
TERMS OF REFERENCE OF COMMITTEES, POLICIES,  
BUDGETS AND SERVICE PLANS**

### CHIEF EXECUTIVE AND ALL DIRECTORS

<u>Authority</u>	<u>Activity/Power</u>	<u>Conditions</u>
Section 100 LGA, as amended by the LG(Access to Information) Act, 1985	All Chief Officers	Compilation of lists of background papers and identification of background papers.
Policy & Resources Committee - 10 July 1997 (Min. No. PR/5)	Any action within their terms of reference required to give effect to a decision of the Council or one of its Committees.	
Policy & Resources Committee - 10 July 1997 (Min. No. PR/5)	Acceptance of a tender or quotation.	
Policy & Resources Committee - 10 July 1997 (Min. No. PR/5)	Appointing professional advisers or consultants.	
Policy & Resources Committee - 10 July 1997 (Min. No. PR/5)	Authorising the attendance of staff at meetings, conferences and similar events.	
Policy & Resources Committee - 10 July 1997 (Min. No. PR/5)	Appointing or authorising any employee or agent of the Council to or for any statutory purpose to which the council has appointed the Chief Officer, and in particular to authorise entry on to land or premises.	

<u>Authority</u>	<u>Activity/Power</u>	<u>Conditions</u>
Section 16 Local Government (Miscellaneous Provisions) Act 1976	To serve notices with regard to the ownership of land for the purposes of the Council's functions.	
Local Land Charges Act 1975 and rules made thereunder	Registrar of Local Land Charge Searches and enquiries.	
Policy & Resources Committee - 10 July 1997 (Min. No. PR/5)	Approval of attendance of members at conferences, seminars and similar events.	In consultation with the Leader of the Council.
Policy & Resources Committee - 10 July 1997 (Min. No. PR/5)	Authorisation and serving of any notice, summons or other legal process which any Chief Officer is authorised to serve under this Scheme.	
Policy & Resources Committee - 10 July 1997 (Min. No. PR/5)	Authorisation of any Officer or other employee of the Council, or any agent or Contractor of the Council, or of any other person to do anything which the Council may authorise such a person to do.	
<b><u>CHIEF FINANCE OFFICER</u></b>		
Local Government (Miscellaneous Provisions) Act 1976 Section 41(1) and (3) of the Act	Certification of resolutions and minutes etc. for evidential purposes.	
Section 21 Town Police Clauses Act 1847	To approve (but not refuse) applications for street closures including processions, wakes and fairs.	

<u>Authority</u>	<u>Activity/Power</u>	<u>Conditions</u>
Committee	The consideration of applications for discharge consents and for waste disposal licences, referred from the National Rivers Authority and Derbyshire County Council, respectively, subject to consultation with the Director of Community Services and Deputy Chief Executive.	
Local Government Act 1972 (as amended) 100(B)(2)	Circulation of reports and agendas.	
Local Government Act 1972 (as amended) 100(B)(7)(c)	Supply of papers to the press.	
Local Government Act 1972 (as amended) 100(C)(2)	Summaries of minutes.	
Local Government Act 1972 (as amended) 100(F)(2)	Papers not open to members.	
Highways (Public Rights of Way) Agency	Undertaking the obligations of the Council under an agency arrangement with Derbyshire County Council in respect of public rights of way in the District, including:- <ul style="list-style-type: none"> <li>• Asserting and enforcing public rights.</li> </ul> Administration of the parish Minor Maintenance Scheme and other County schemes from time to time.	
	<ul style="list-style-type: none"> <li>• Exercising delegated powers in the service of enforcement notices under the agency.</li> <li>• Responding to minor/routine consultations on proposals/orders affecting Public Rights of Way.</li> <li>• Controlling and using</li> </ul>	

	the budget under the agency.	
Local Government Act 1972	The administration of all Council, committee and sub-committee meetings including arranging venues and times, calling meetings in accordance with the statutory timetable, attending meetings and producing minutes.	
Committee	The acceptance of public open space dedicated/adopted to or by the Council and the approval of terms (including commuted payments).	In consultation with Legal and Democratic Services Manager and Deputy Chief Executive.
Committee	To refuse (but not approve) formal requests to dispose of areas of public open space in accordance with the Council's policies.	
Standing Order 8(2)	Adjournment of non-quorate meetings.	
<b><u>LEGAL AND DEMOCRATIC SERVICES MANAGER</u></b>		
Committee 25.9.90 (PL/11S)	To act as the Council's advocate for local inquiries into Planning Appeals, C.P.O.'s, T.P.O.'s and Public Rights of Way.	
<b><u>ENVIRONMENTAL HEALTH MANAGER</u></b>		
<b>(i) <u>Matters for which the Environmental Health Manager is Proper Officer and Authorised Signatory</u></b>		
Animal Boarding Establishment Act 1963	General authority to act	
Breeding of Dogs Acts 1963 & 1991	General authority to act	

<u>Authority</u>	<u>Activity/Power</u>	<u>Conditions</u>
Building Act 1984	General authority to act	
Clean Air Acts 1956, 1968 & 1993	General authority to act	
Control of Pesticides Regulations 1986	General authority to act	
Control of Pollution Act 1974	General authority to act	
Dogs Acts 1906 & 1971	General authority to act	
Dangerous Dogs Acts 1989 & 1991	General authority to act	
Dangerous Wild Animals Act 1976	General authority to act	
Environment Act 1995	General authority to act	
Environmental Protection Act 1990	General authority to act	
Environmental Protection Act 1990 - Schedule B	Approvals, variations & revocations of authorisations	
Factories Act 1961	General authority to act	
Food Act 1984	General authority to act	
Food & Environment Protection Act 1985	General authority to act	
Food Safety Act 1990	General authority to act	
Food Safety Act 1990 - Sections 6, 8, 9, 29 & 32	To undertake a range of duties in respect of food related matters	
Food Safety Act 1990 - Section 10	To serve Improvement Notices	
Food Safety Act 1990 - Section 12	To serve Emergency Prohibition Notices	
Game Act 1831 (Game Dealers Licences)	General authority to act	

<u>Authority</u>	<u>Activity/Power</u>	<u>Conditions</u>
Game Licenses Act 1860	General authority to act	
Guard Dogs Act 1975	General authority to act	
Health & Safety at Work etc. Act 1974	General authority to act	
Health & Safety at Work etc. Act 1974 - Section 19	Inspector for the purposes of administering Section 20	
Health & Safety at Work etc. Act 1974 - Section 20	To institute legal proceedings in respect of any contravention's arising from duties under Section 20	
Health & Safety at Work etc. Act 1974 - Section 21	To serve Improvement Notices	
Health & Safety at Work etc. Act 1974 - Section 22	To serve Prohibition Notices	
Health & Safety Regulations	General Authority to act	
Late Night Refreshment Houses Act 1969	General authority to act	
Litter Act 1983	General authority to act	
Local Government (Miscellaneous Provisions) Acts 1976 & 1982	General authority to act	
Noise Act 1996	General authority to act	
Noise & Statutory Nuisance Act 1993	General authority to act	
Noise & Statutory Nuisance Act 1993	Service of Notices	
Offices, Shops & Railway Premises Act 1961	General authority to act	
Performing Animals (Regulation) Act 1925	General authority to act	

<u>Authority</u>	<u>Activity/Power</u>	<u>Conditions</u>
Pet Animals Act 1951	General authority to act	
Prevention of Damage of Pests Act 1949	General authority to act	
Public Health Acts 1936 & 1961	General authority to act	
Rag Flock & Other Filling Materials Act 1951	General authority to act	
Riding Establishments Act 1964 & 1970	General authority to act	
Safety of Sports Grounds Act 1975	General authority to act	
Scrap Metal Dealers Act 1964	General authority to act	
Shops Act 1950	General authority to act	
Slaughter of Poultry Act 1967	General authority to act	
Slaughterhouses Act 1974	General authority to act	
Sunday Trading Act 1994	General authority to act	
Water Act 1989	General authority to act	
Water Industry Act 1991	General authority to act	
Water Resources Act 1991	General authority to act	
Zoo (Licensing) Act 1981	General authority to act	

(ii) Matters which are delegated to the Environmental Health Manager and for which he/she is also Authorised Signatory

<u>Authority</u>	<u>Activity/Power</u>	<u>Conditions</u>
Clean Air Acts 1956, 1968 & 1993	Approvals of applications relating to chimney heights, arrestment plant and boiler installations	
Environmental Protection Act 1990 - Sections 6 - 28 + Schedule B	Approvals, variations and revocations of authorisations and associated action	



<u>Authority</u>	<u>Activity/Power</u>	<u>Conditions</u>
Food Hygiene (Docks, Carriers etc.) Regulations 1960, Regulation 11	Persons suffering from certain infections	Where reference made to "Medical Officer of Health"
Fresh Meat (Hygiene & Inspection) Regulations 1992 - Schedule 7: Part 1: Paragraph 2	Notification that person engaged in handling of fresh meat is suffering from certain infections	
Food Safety Act 1990 - Sections 6(2), 8, 9, 29 & 32	General authority to act, food standards enforcement	
Food Safety Act 1990 - Section 10	To serve Improvement Notices	
Food Safety Act 1990 - Section 12	To serve Emergency Prohibition Notices	
Food Safety (General Food Hygiene) Regulations 1995, Regulation 5	Persons suffering from certain medical conditions	
Health & Safety at Work etc. Act 1974 - Section 19	Inspector for the purposes of administering Section 20	
Health & Safety at Work etc. Act 1974 - Section 20	To institute legal proceedings in respect of any contravention's arising from duties under Section 20	
Health & Safety at Work etc. Act 1974 - Section 21	To serve Improvement Notices	
Health & Safety at Work etc. Act 1974 - Section 22	To serve Prohibition Notices	
Milk & Dairies (General) Regulations 1959, Regulations 18, 19 & 20	Provision with regard to infection of milk	Where reference made to "Medical Officer of Health"
National Assistance Act 1948 - Section 47	Removal to suitable premises of persons in need of care and protection	

<u>Authority</u>	<u>Activity/Power</u>	<u>Conditions</u>
National Assistance (Amendment) Act 1951	Removal to suitable premises of persons in need of care and protection	Where reference to "Medical Officer of Health"
Rag Flock & Other Filling Materials Act 1951	Registration of traders	
Scrap Metal Dealers Act 1964	Registration of dealers	

**(B) PROPER OFFICER FOR MEDICAL PURPOSES**

**(In all cases to be both Proper Officer and Authorised Signatory)**

<u>Authority</u>	<u>Activity/Power</u>	<u>Conditions</u>
National Assistance Act 1948 & Amendment 1951	Section 47	
Public Health (Shellfish) Regulations 1954	All functions of the Medical Officer of Health as specified	
Milk & Dairies (General) Regulations 1959	Regulations 18 & 19	
Food & Hygiene (Docks, Carriers, etc.) Regulations 1960	Regulation 11	
Food Hygiene (General) Regulations 1970	Regulation 13	
Food Hygiene (Market Stalls & Delivery Vehicles) Regulations 1966	Regulation 11	
Food Safety (General Food Hygiene) Regulations 1995	Section 7	
Immigration Act 1971	Requires the provision of a Port Inspector, who is usually the same person as the Medical Officer referred to under the Public Head (Aircraft) Regulations 1979	
Public Health Act 1936	Section 140	

<u>Authority</u>	<u>Activity/Power</u>	<u>Conditions</u>
Slaughterhouse (Hygiene) Regulations 1977	Regulation 38	
Animal Boarding Establishment Act 1963	Issue, variation and revocation of licences	Excluding the refusal of applications for or renewal of licences
Breeding of Dogs Acts 1963 & 1991	Issue, variation and revocation of licences	Excluding the refusal of applications for or renewal of licences
Building Act 1984 - Sections 59 & 60	Drainage of buildings	
Building Act 1984 - Section 84	Paving and drains of yards etc.	
Dangerous Dogs Acts 1989 & 1991	Issue, variation and revocation of licences	Excluding the refusal of applications for or renewal of licences
Dangerous Wild Animals Act 1976	Issue, variation and revocation of licences	Excluding the refusal of applications for or renewal of licences
Environmental Protection Act 1990 - Section 79 - 81	Proceedings for statutory nuisance including all those matters deemed to be statutory nuisance by virtue of other statute for which Director of Environmental Health is "proper officer"	
Local Government (Miscellaneous Provisions) Act 1976 - Section 35	Obstructions in private sewers	
Local Government (Miscellaneous Provisions) Act 1982 - Section 27	Broken or blocked drains etc.	
Prevention of Damage by Pests Act 1949 - Section 4	Power of local authority to require the eradication of rats and mice from land or premises	

<u>Authority</u>	<u>Activity/Power</u>	<u>Conditions</u>
Public Health Act 1936 - Section 50	Overflowing and leaking cesspools	
Public Health Act 1936 - Sections 83 - 86	Cleansing of filthy or verminous premises, persons or articles	
Public Health Act 1936 - Section 140	Powers to close or restrict or restrict the use of water from polluted sources of supply	
Public Health Act 1961 - Section 17	Power to repair choked drains	
Committee	Authority to nominate and authorise officers to act under the range of statutes for which the Director of Environmental Health is proper officer	

**DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT**

<u>Authority</u>	<u>Activity/Power</u>	<u>Conditions</u>
Building Act 1984	The approval and refusal of plans and Notices deposited under the Building Regulations.	
Building Act 1984	The acceptance and rejection of Notices under Part 11 of the Building Act 1984.	
Building Act 1984	The approval and refusal of applications for dispensation and/or relocation of Building Regulations.	
Section 16 Local Government (Miscellaneous Provisions) Act 1976	The service of Notices (requisitions for information).	
577/78 The Building Act 1984	To take appropriate action to remove danger.	

<u>Authority</u>	<u>Activity/Power</u>	<u>Conditions</u>
Section 324 Town & Country Planning Act 1990 and Section 95 The Building Act 1984	Authority to enter land.	
Urgency Sub-Committee Minute No. US/25(a) of 14 July 1997	Application of Building Regulations Fees Discount Scheme and determination of discount to be applied	Delegated to Chief Building Surveyor in consultation with the Director of Planning & Economic Development; maximum discount limited to 12.5%.
The Building Act 1984 Section 79	Service of Notices to repair or restore or demolish buildings.	
Town Improvement Clauses Act 1875 and Public Health Act 1924	Naming and Numbering of new streets.	
Local Government & Housing Act 1989	Action of expenditure to promote Economic Development.	In compliance with the annual programme of the Economic Development Strategy and within established budgets for this purpose.
<b><u>TECHNICAL SERVICES MANAGER</u></b>		
<b><u>Environmental Services</u></b>		
Environmental Protection Act 1990	Collection of refuse	
Environmental Protection Act 1990	Recycling of waste	
Environmental Protection Act 1990	Cleansing of highway and other public areas, including any obligations to the Council.	
Local Government Act 1972 and Highways Acts	Undertaking the obligations of the Council's highways agency agreement with Derbyshire County Council.	

<u>Authority</u>	<u>Activity/Power</u>	<u>Conditions</u>
Policy & Resources Committee - 10 July 1997 (Min. No. PR/5)	Provision and management of public car parks.	
Policy & Resources Committee - 10 July 1997 (Min. No. PR/5)	Provision and management of public conveniences	
Policy & Resources Committee - 10 July 1997 (Min. No. PR/5)	Land drainage, maintenance and promotion of scheme for flood prevention.	
Policy & Resources Committee - 10 July 1997 (Min. No. PR/5)	Provision and management of bus shelters.	
Policy & Resources Committee - 10 July 1997 (Min. No. PR/5)	Provision and management of a service for emptying cesspools and pails.	
Policy & Resources Committee - 10 July 1997 (Min. No. PR/5)	Provision and management of street name plates and miscellaneous signs relating to the Council's functions.	
Policy & Resources Committee - 10 July 1997 (Min. No. PR/5)	Provision and management of roadside seats and other street furniture including litter bins.	
Policy & Resources Committee - 10 July 1997 (Min. No. PR/5)	Operation and management of Swadlincote Market and Swadlincote Bus Station.	

## **ENVIRONMENTAL HEALTH**

### **Delegation to officers and responsibility for decision making by Environmental & Development Services Committee.**

#### Preamble

The main reports submitted by Environmental Health for Environmental & Development Services Committee are summarised as follows:-

- Main Divisional Service Plans
- Monitoring and progress reports for Service Plan
- Reports for any strategies such as Contaminated Land.
- Separate service plans for Food and Health & Safety enforcement work
- Policy decisions , e.g. Enforcement policies, Noise policies etc
- Issues relating to the delivery of services, e.g. option appraisal for Pest Control Treatments.
- New Legislation changes and associated Authorisation of officers.
- Additional Service issues, e.g. provision of Mediation services.

Most of the work within the Division is undertaking statutory functions imposed on the division, such as Food and Health & Safety inspections, Authorised Industrial premises (Pollution Control) inspections, investigation of statutory nuisance complaints (noise, dust, odour, fumes, pollution etc), stray dog collection and dog fouling enforcement work. Pest Control treatments all also undertaken by the division.

As this involves a considerable amount of enforcement work, the Division has delegated Officers with certain powers to undertake this effectively.

#### Scope of Delegation

The Policy and Resources Committee, dated 10<sup>th</sup> July 1997 and Full Council Committee, dated 28<sup>th</sup> January 1999, delegated powers to both the Director of Community Services and the Environmental Health Manager to act under the relevant legislation and delegate relevant officers. In addition, a report to The Housing & Environment Committee, June 2000, approved the powers being delegated to officers of the Division.

As a result Officers within the Division were authorised to serve Notices and undertake relevant enforcement functions. Controls were put in place to ensure that the Line Manger approved notices and any prosecution to be referred to Legal Services. In addition, quality procedures are in place within the Division for Officers to follow. In relation to Health & Safety prosecutions these are undertaken by the individual Officer rather than the Authority, although these also go through the controls mention previously.

This has resulted in a more effective and efficient service provision and only relevant policy issues being referred to Committee for a decision. Any changes to legislation requiring additional delegation of powers to Officers are also taken to Committee for approval.

It is felt that the current scheme of delegation is sufficient for the enforcement work undertaken by the Division.

### Reporting back to Members

The work of the Division is reported to Committee through the Divisional Service Plan, the Food and Health & Safety plans and the Service Plan Monitoring reports. These identify the amount of work undertaken within the Division along with the enforcement activities.

As the Chair and Vice Chair requested more information particularly on enforcement activities, it is proposed that additional information could be provided as part of the Service Plan Monitoring report. Members can be provided with more details of individual prosecutions, along with the amount of general enforcement work undertaken within the Division.

Alan Twells  
Environmental Protection Manager



## TECHNICAL SERVICES

### Delegation to officers and responsibility for decision making by Environmental & Development Services Committee.

#### Preamble

The main reports submitted by Technical Services for Environmental & Development Services Committee are summarised as follows:-

- Main Divisional Service Plans
- Monitoring and progress reports for Service Plan
- Reports for any strategies such as the Waste Strategy, Recycling Plan etc..
- Separate service plans for Food and Health & Safety enforcement work
- Policy decisions , e.g. Refuse Collection policies, Recycling policies etc
- Issues relating to the delivery of services, e.g. the compost scheme.
- New Legislation changes and associated Authorisation of officers.
- Additional Service issues, e.g. waste minimisation.

Most of the work within the Division is undertaking the statutory functions of refuse collection, recycling and street cleansing.

#### Scope of Delegation

The Policy and Resources Committee, dated 10<sup>th</sup> July 1997 and Full Council Committee, dated 24<sup>th</sup> July 1997, delegated powers to the Director of Technical Services to act under the relevant legislation.

#### Reporting back to Members

The work of the Division is reported to Committee through the Divisional Service Plan, and the Service Plan Monitoring reports. These identify the amount of work undertaken within the Division.

Paul Evans  
Waste and Cleansing Manager.

## ECONOMIC DEVELOPMENT

### Preamble

By far the majority of reports submitted to Committee for consideration relate to the diversion (and in a very few cases, the extinguishment) of public rights of way.

When dealing with footpath diversions (and extinguishments), South Derbyshire District Council operates an informal consultation process as the first stage in the procedure. Although the statutory process does not require this consultation to be undertaken, it has proved extremely useful in indicating the possible success of an application prior to commencement of the formal process.

The informal consultation period enables comments/objections to be addressed and resolved where possible, to ensure that the proposals are of benefit to all concerned. Once all received comments have been satisfactorily resolved, a report is prepared and submitted to the next available Committee meeting for consideration. When the Committee has agreed to support the making the relevant order, all informal consultees are re-consulted as part of the formal process. Appendix 1 details Committee decisions made over the previous 12 months, with regard to footpath diversions.

Should it prove impossible to satisfactorily resolve all responses received during the informal consultation, it is extremely unlikely that a report will be referred to Committee with the recommendation that the making of the order be supported.

In some rare instances reports are submitted to Committee for consideration even though received objections have not been resolved, despite all avenues being explored. Invariably this is due to the objection(s) being outside of rights of way issues.

### Scope for Delegation

Decisions concerning diversion (or extinguishment) applications that have successfully completed the informal stage, with all received comments being satisfactorily addressed, could be delegated to officers for progression to the formal stage.

However, those applications with unresolved objections/comments or those considered to be of a contentious nature should still be referred to Committee for determination as appropriate.

### Reporting back to Members

From discussion with the Planning Department, it would appear that those decisions made under delegated powers are not currently reported back to members.

In respect to footpath diversions under the present system, the local members are consulted during both informal and formal stages. Therefore the system already includes a method of notification, albeit limited, and should the decision to make a Division Order be delegated to officers this system would still be in place.

To ensure that all members are notified of footpath diversion and extinguishment developments, it is proposed that details of new applications and those successfully completing the informal consultation period (prior to making of the order) be included on the relevant Monthly Planning List, presently circulated by the Planning Department.

## Appendix 1

### Footpath Diversion decisions made over the previous 12 months

<u>Footpath No</u>	<u>Informal Outcome</u>	<u>Consultation</u>	<u>Resolution prior to report.</u>	<u>Committee Decision</u>
Swadlincote 31	7 objections received - concerning Crime and Disorder issues.		Meeting held with objectors/applicant & a revised route agreed. Applicant later decided to progress with original proposal.	Order Refused
Swadlincote 31 (Resubmitted)	No objections received (Proposals submitted as agreed at earlier meeting held with objectors/ applicant)		-	Order Promoted
Etwell 5	No objections received		-	Order Promoted
Foston & Scropton 8	1 comment received		Resolved	Order Promoted
Swadlincote 1	No objections received		-	Order Promoted
Melbourne 8	1 comment received		Resolved	Order Promoted

## ENVIRONMENTAL &amp; DEVELOPMENT SERVICES COMMITTEE - INITIAL IDEAS FOR A WORK PROGRAMME

DATE OF MEETING	PLANS, STRATEGIES and POLICIES	SERVICE PROJECTS & DEVELOPMENTS	MANAGING PERFORMANCE	COMMITTEE ADMINISTRATION (INCLUDING BUDGET AND RESPONSIVE ISSUES)	MEMBER SPECIAL PROJECTS
May 2004		Review of Tourism Literature (ED8)	Service Plans - Monitoring Report (year end)		
July 2004	South Derbyshire Local Plans - Adoption (PS2) Waste Minimisation Plan (TS12) Recycling plan - review (TS12)	Review recycling (centres and collection) (TS13)s			
August 2004	Need to reschedule any items form the previous meeting?			Budget Outturn 2003/04	
October 2004	Regeneration Action Plan - Swadlincote Town Centre/Woodville Area (PS8)	Crime and Disorder - Audit (all service areas) Race Equality Scheme - audit (all service areas) Need to reschedule any items form the previous meeting?	Service Plans - Monitoring Report (half year) Corporate Plan - monitor and contribute to review		
November 2004	Review of Bin Sizes (TS12)		Draft Service Plans 2005-2008		
January 2005 (special)				Budget proposals	
January 2005	Supplementary Planning Guidance - 106 Agreements (PS13)	Additional Walks developed (ED 9)	Corporate Plan - identify Committee priorities and action		
March 2005	Noise complaints policy - review	Contaminated Land - prioritising sites (EH6)			
April 2005		Environmental Improvement Scheme- with Groundwork completed (ED7)	Finalise 2005/08 Service Plans	Produce Annual Report and Work Programme	Any Special projects?
<b>NB: Items in brackets e.g. (TS12) relate to references in Service Plans</b>					