

## **APPENDIX 1 – SCHEME OF DELEGATION TO OFFICERS**

### **1. Introduction**

- 1.1 In order to support the day to day running of the County Council and its services, the Chief Officers have been given delegated powers to exercise some of the County Council's functions and services.
- 1.2 All Chief Officers may exercise the general powers delegated to them under Paragraph 3 of this Appendix and each individual Chief Officer has a range of specific powers delegated to them relating to the responsibilities of their role. These are set out in Paragraphs 4 to 10 of this appendix.

### **2. Restrictions and Conditions on Delegations to Chief Officers**

- 2.1 The following matters may not be delegated to a Chief Officer:-
- Any matter reserved to the full Council;
  - Any matter which by law may not be delegated to an officer;
  - Any matter reserved to the Cabinet or a Committee or Panel;
  - Any matter which constitutes a key decision;
  - Any power to make a formal response on behalf of the County Council to any White Paper, Green Paper, Government Consultation Paper or draft European Union Directive without reference first to the relevant Cabinet Member, Leader of the Council or the Chairman of the Committee concerned, except where timescales do not allow it, when the Chief Executive is authorised to respond after discussion with them.
- 2.2 When exercising delegated powers, Chief Officers must ensure that any actions are in accordance with the policies and decisions of the County Council, this Constitution, Financial Regulations and Contract Standing Orders and not outside the powers and duties of the Council under law.
- 2.3 When exercising delegated powers, Chief Officers are delegated to consult such other officers and/or the Chief Executive, the Director of Law and Democracy and the Director of Finance and Resources as may be appropriate in the circumstances and shall have regard to any advice given.
- 2.4 Chief Officers may consult the appropriate Cabinet Member, Cabinet or a Committee before exercising delegated powers and, following this consultation, elect not to exercise their delegated powers.
- 2.5 A Chief Officer should refer any matter to the Cabinet or a Committee or Panel for decision if he believes the matter to be controversial.
- 2.6 The advice of the Director of Law and Democracy and the Director of Finance and Resources must be sought when a Chief Officer proposes to exercise delegated powers on behalf of the Cabinet if there is doubt as to whether the proposed exercise is contrary to the policy framework or contrary to or not wholly in accordance with the budget.

- 2.7 If the Chief Officer is of the opinion that any matter delegated under this Scheme may involve the payment of compensation for which no specific budgetary provision has been made, no decision shall be made without reference to, and approval by, the Cabinet or a Committee as relevant.
- 2.8 Any General delegation under Paragraph 3 of this Appendix is subject to the specific delegations to individual Chief Officers under Paragraphs 4 to 12 below.
- 2.9 Chief Officers must keep Members properly informed of activity arising within the scope of the delegated powers given to him and when arranging local meetings including members of District Councils or Parish Councils, or with Residents' Associations or other official representative organisations, must ensure that local Members are informed of the nature and purpose of the meeting and, where possible, consulted about the date, time and venue at which the meeting is to be held.

### **3. General Powers delegated to Chief Officers in the discharge of the functions of the County Council**

- 3.1 To deal, within the approved budget, all matters of day to day administration and operational management of the County Council's services and functions for which they are responsible. This delegation shall include taking and implementing decisions which are not a key decision and are concerned with maintaining the operation or effectiveness of those services or incidental to the discharge of the Council's functions or fall within the scope of a policy decision taken by the Council or the Council's policy framework.
- 3.2 To make, issue and serve such notices, orders, statements and other documents as may be necessary or appropriate for those purposes or to give effect to or carry out any decision of his under powers delegated to them.
- 3.3 In consultation with the Director of Law and Democracy and the relevant Chairman to take a decision on any matter for which the Planning Committee or its Panels are responsible for which is not delegated to them if that matter cannot for good reason await consideration at the next meeting of the Council, the Cabinet or the appropriate Committee. The consultation and the decision/conclusion recorded on a form specified by the Director of Law and Democracy and will, as a minimum, include the signature of the Chief Officer and the reasons for the urgency. The form will immediately be sent to the Director of Law and Democracy who will maintain a Register of any forms which will be available for inspection by Members at the next meeting of the relevant Committee, Panel or the Cabinet as the case may be.
- 3.4 To delegate the exercise of any of the powers or responsibilities delegated under this Constitution in accordance with the terms and conditions of a scheme approved from time to time by the Cabinet in respect of executive functions and by the Audit Committee in respect of non-executive functions. Any scheme shall be in writing and the Chief Officer shall remain accountable to the Cabinet or Committee (as the case may be) for the exercise of any powers or

responsibilities delegated. Individual delegations may also be granted for matters outside the directorate scheme.

- 3.5 To institute, or defend, or withdraw, or compromise claims or legal proceedings whether civil or criminal, connected with any function or service which is the responsibility of the Chief Officer and a Scheme under paragraph 3.4 above may allow for specified officers to do so.
- 3.6 To commence criminal proceedings for any breach of any law or by-law within the services and functions for which the Chief Officer is responsible and where empowered to do so by law may seek to recover any costs incurred by the County Council.
- 3.7 To exercise any statutory powers conferred on the County Council to enter land or premises and/or carry out inspections for the purposes connected with the services or functions for which the Chief Officer is responsible. Named officers may be authorised named officers to exercise such powers.
- 3.8 To exercise statutory powers conferred on the County Council to require information as to the ownership, occupation or use of land or premises or otherwise and may authorise named officers to do so.
- 3.9 To incur expenditure on repairs and maintenance up to such amount and within the global limits established by the Council's Repairs and Maintenance Scheme.
- 3.10 To maintain records of all complaints made in respect of the services for which the Chief Officer is responsible and deal with them in accordance with the complaints procedure approved by the County Council or as required by specific legislation.
- 3.11 To select applicants for inclusion, or vary the terms of approval for, and suspend firms from, any list of approved contractors for the maintenance of which that Chief Officer is responsible. (A Chief Officer may not delete a firm from a list of approved contractors).
- 3.12 To approve applications for the consumption of alcohol at private functions organised by outside bodies at establishments within the Chief Officer's purview.
- 3.13 To take decisions relating to staffing and personnel matters in accordance with the provisions of the Officer Employment rules.
- 3.14 To determine adjustments to annual fees and charges in line with the provisions of Financial Regulations.
- 3.15 To incur expenditure of up to £2,000 in making an ex-gratia payment in order to resolve a complaint made against the County Council.
- 3.16 Each Chief Officer shall prepare and maintain plans to give effect to the provisions of any County or District Emergency Plan.

#### **4. Delegations to Chief Executive**

- 4.1 Notwithstanding any other provision of this Constitution, the Chief Executive shall have power, after discussion, if practicable, with the Leader of the Council or the relevant Portfolio Holder and/or Chairman, as the case may be, to take action not involving a key decision as he deems to be necessary in matters requiring urgent consideration and which, because of the timescale involved, or the need to safeguard the interests of the County Council, cannot wait for the next following meeting of the Council, the Cabinet or Committee, as the case may be. Any action taken under this delegation shall be report to the next meeting of the Council, Cabinet or Committee as necessary.
- 4.2 To appoint from time to time, for such duration and in such circumstances and subject to such conditions as the Chief Executive may specify, a Chief Officer to act as Deputy to the Chief Executive, such Deputy to have (when authorised to act) all the powers, duties and responsibilities of the Chief Executive as the County Council's Head of Paid Service. Notification of such appointment and its applicable duration, circumstances and conditions shall be given in writing by the Chief Executive to the Leader of the Council, Monitoring Officer and Director of Finance and Resources.
- 4.3 To be the Proper Officer and the County Council's Returning Officer for the purpose of the election of County Councillors and to undertake all the duties of those offices pursuant to the Representation of the People Act 1983, and the Local Government Act 1972.
- 4.4 To give public notice of any vacancy in the office of Councillor pursuant to Sections 86 and 87 of the Local Government Act 1972.
- 4.5 To approve and implement national and provincial pay awards, after consultation with the Director of Finance and Resources, as soon as possible after agreement and notification from the appropriate body, subject to any element of discretion being referred to the Cabinet for consideration.
- 4.6 To decide exceptional cases and any question about the interpretation or administration of the County Council's Long Service Awards Scheme.

#### **5. Delegations to Director of Law and Democracy**

- 5.1 To take and implement any decision which he is empowered to take in accordance with Financial Regulations in his capacity as Director of Law and Democracy.
- 5.2 To be the County Council's Solicitor and Head of Legal Services and to take all necessary steps, including the obtaining of Counsel's advice, in connection with any matter concerning the County Council.
- 5.3 To be the Proper Officer for any purpose for which the County Council has not designated another officer to be Proper Officer.

- 5.4 Authorisation in consultation with the relevant Chief Officer(s), to make amendments to the Scheme of Sub-Delegations to reflect future changes in Directorate structures, working practices, and future changes in relevant legislation and regulations.
- 5.5 To be responsible for the preparation, maintenance, monitoring and review of the County Council's Corporate Health and Safety policies.
- 5.6 To be (along with Director of Finance and Resources) the County Council's authorised officer for the purpose of giving certificates under the Local Government (Contracts) Act 1997). The County Council has indemnified the Director of Law and Democracy and the Director of Finance and Resources against any claims made against them (including costs incurred by and awarded against them) and will not itself make claims against them for any loss or damage (other than claims falling within the cover provided to their officers under any policy of insurance taken out by the officer) occasioned by neglect, act, error or omission committed by such officer in the course of or in connection with signing a certificate within the meaning of the Local Government (Contracts) Act 1997. This indemnity will not apply where the loss or damage results directly or indirectly from the commission of a criminal offence of which the officer is convicted, or results directly or indirectly from the fraud or dishonesty of the officer, or where the officer disregards a decision by the County Council that the certificate should not be given.

#### **Matters in connection with Elected Members**

- 5.7 To maintain the registers of:-
- The financial and other interests of members and co-opted members of the County Council as required by the Local Government Act 2000.
  - Officers' declarations of interest in contracts and other pecuniary interests.
  - Any other matter relating to the interests of members and co-opted members which the County Council from time to time establish.
- 5.8 To approve (but not to refuse) applications from members submitted under the Staffordshire Local Community Fund.
- 5.9 To approve in consultation with the Chairman of the County Council and the Leader of the Council amendments to the Council's list of events, functions, meetings, outside bodies, conferences and courses at which attendance is authorised as an approved duty; or as within Section 175 of the Local Government Act 1972 for the purposes of the payment of travelling and subsistence allowances to that member.
- 5.10 To approve in consultation with the Chairman of the County Council and the Leader of the Council a members' application for attendance at an event, function, meeting, outside body, conference or course not on the County Council's lists referred to in item 2 above as an approved duty or as within Section 175 of the Local Government Act 1972 for the purpose of the payment of travelling and subsistence allowances to that member.

- 5.11 To authorise, after consultation with the Chairman of the County Council and the Group Leaders, the payment of Members' expenses claims made more than two months after the date of a meeting.
- 5.12 To authorise, on the nomination of the Group Leaders, the filling of vacancies, or the interchange of members on Committees.
- 5.13 In consultation with the Chairman of the Corporate Review Committee and/or the relevant Scrutiny Committee and the Chairman of the County Council, to approve requests from Scrutiny Committees to expend the budget allocated by the County Council for the purpose.

## **Litigation**

- 5.14 To prosecute, withdraw, defend, compromise, appeal and appear in proceedings on behalf of the County Council in any Court of Law, whether criminal or civil, tribunal, inquiry, chamber or other hearing or before any Judge, Registrar, Recorder, Magistrate, Coroner, Inspector, Arbitrator, Mediator, or Expert, subject to prior consultation with the Chief Officer (Social Care and Health) in any case where court proceedings are to be instituted in respect of the alleged abandonment of assets in the context of the assessment of charges for residential care, and to authorise named officers to exercise any such powers.
- 5.15 To designate officers of the County Council as being authorised under Section 223 of the Local Government Act 1972 to institute prosecute defend or appear on the County Council's behalf in proceedings before a Magistrates Court and to conduct such proceedings notwithstanding that the officer concerned may not be a Solicitor holding a current practising certificate.
- 5.16 To appoint officers to represent the County Council at the County Court in proceedings in chambers generally or in the small claims court under the provisions of section 27 of the Courts and Legal Services Act 1990, or under s60 of the County Courts Act 1984 in relation to housing matters, and to represent the County Council at such other court venues including the High Court sitting in chambers, where permitted, and at Tribunals.

## **Appeals and Tribunals**

- 5.17 To establish and service a Complaints Review Panel comprising three Independent persons (ie not elected members) with expert knowledge of Social Services to consider complaints under the terms of the National Health Service and Community Care Act 1989 which Panel is to make recommendations to the County Council on the course of action to be taken about any such complaint.
- 5.18 To make arrangements for dealing with the following kinds of appeal under the School Standards and Framework Act 1998:-
- Admission appeals
  - Appeals against exclusion
  - Appeals by Governing Bodies

## **Planning, Highways, Public Rights of Way etc.**

- 5.19 To submit all planning and planning related applications, including those for the County Council's own operational development and highway schemes; for the disposal of surplus land/property; for Conservation Area consent; and for Listed Building consent.
- 5.20 In consultation with Chairman of the Planning Committee to decide the final form of the conditions which the County Council would wish to be attached to, and the framework of, any Section 106 Agreement, if the Secretary of State for the Environment was minded to grant permission for a particular development following an appeal in relation thereto.
- 5.21 In consultation with the Director for Place and Deputy Chief Executive, to enter into agreements for the execution of highways works under the Highways Act 1980.
- 5.22 Under the Common Land (Rectification of Registers) Act 1989, to:-
- Decide whether any objection has been duly made in accordance with the provisions of the Act and any regulations made;
  - Refer any objection which has been duly made to a Commons Commissioner for determination; and
  - Rectify the Register of Common Land or the Register of Town or Village Greens as necessary consequent upon the determination of any objection under the Act.
- 5.23 To determine claims made under s36(6) of the Highways Act 1980 for the addition of alleged public highways to the list of publicly maintainable highways kept by the County Council under that section.
- 5.24 To determine claims made under s56 of the Highways Act 1980 for the admission by the County Council of liability to maintain a highway.
- 5.25 To determine applications for Modification Orders under the Wildlife and Countryside Act 1981 unless, after consultation with the local County Councillor(s) for the area concerned and the Director for Place and Deputy Chief Executive, they decide that the matter in question ought properly to be determined by the Countryside and Rights of Way Panel.
- 5.26 The power to make Gating Orders under Section 129A of the Highways Act 1980, in consultation with the Cabinet Lead Member for Regeneration and Infrastructure.
- 5.27 The power to determine whether an applicant's details should be removed from the Register of Applications made under Paragraph 2(3) of the Public Rights of Way (Register of Applications under Section 53(5) of the Wildlife and Countryside Act 1981) (England) Regulations 2005.

## **Social Care Matters**

- 5.28 To consider and decide upon individual cases relating to the alleged abandonment of assets in the context of an assessment of charges for residential care where it is inappropriate for the Director for People and Deputy Chief Executive and/or the Social Services Leader to deal with that matter (for example by reason of a potential conflict of interest).

## **6. Delegations to Director of Children's Services**

### **Education Matters**

- 6.1 To take and implement decisions which relate to the operation of a school but which are matters for decision by the County Council as Local Education Authority.
- 6.2 To take and implement decisions which relate to benefits or support available to individual parents and/or individual children or young people which are matters for decision by the County Council as Local Education Authority.
- 6.3 To apply in the Family Proceedings Court for an Education Supervision Order in respect of a child of compulsory school age who is not being properly educated.
- 6.4 To take and implement decisions to exercise statutory powers relating to the health or welfare or school attendance of individual children and to take all steps in any related statutory procedures.
- 6.5 To select tenants and grant, terminate and administer tenancies of Educational premises in so far as they are the responsibility of the County Council as Local Education Authority.
- 6.6 To exercise the Council's powers under the Apprenticeships, Skills, Children and Learning Act 2009.

### **Children's Employment**

- 6.7 To issue licenses for the employment of children pursuant to the Children and Young Persons Act 1933, byelaws made under that Act, and the Children and Young Persons Act 1963.

### **Children's Social Care**

- 6.8 To receive reports of the monthly visits made to Children's Homes in accordance with the Children's Homes Regulations 1991.
- 6.9 To approve or refuse requests for the County Council to meet legal costs in connection with applications for adoption.
- 6.10 To undertake, together with an Adoptions Panel comprising not less than three specified officers, all functions under the Adoption Act 1976 and Adoption Agencies Regulations 1983 as amended by the Children Act 1989, relating to the adoption of children.



- 6.11 To institute, intervene in, or defend, on the County Council's behalf, wardship proceedings and to appear on the Council's behalf in any wardship proceedings involving the County Council.
- 6.12 To deal with complaints under the terms of the Children Act 1989 by actioning the recommendations of the Complaints Review Panel.

## **7. Delegations to Director for People and Deputy Chief Executive**

### **Adult Social Care**

- 7.1 To purchase on the County Council's behalf, residential and nursing accommodation and domiciliary, day and support services by voluntary and private organisations for the elderly, disabled, those with mental health needs and children.
- 7.2 To waive or reduce the charges made by the County Council for services provided by the Social Services Department where the Chief Officer considers that the circumstances are such that full payment of the charges would cause Particular hardship or otherwise be inappropriate.
- 7.3 To reimburse, on an ex gratia basis, up to £1,000 on claims in respect of accidental damage caused to the homes or property of any person by staff of the Social Services Department or by those under its direct control.
- 7.4 To determine the value of property to be taken into account for Part III Accommodation assessment charges where the property continues to be Occupied or where there are unusual circumstances, for example a joint owner (other than spouse) remaining in occupation.
- 7.5 To approve recovery of debts and inclusion of assets disposed of in Part III accommodation assessments under the National Assistance Act 1948 where it appears that the disposal may have been made in order to effect a reduction in accommodation charges.
- 7.6 To decide on cases where it is alleged that assets have been abandoned in the context of an assessment of charges for residential care.
- 7.7 To appoint and to authorise Approved Social Workers pursuant to the Mental Health Act 1983.
- 7.8 To administer the allocation of funding under the Supporting People Legislation.
- 7.9 To deal with complaints under the terms of the National Health Service and Community Care Act 1990 by actioning the recommendations of the Complaints Review Panel 7.2

- 7.10 To receive reports of the monthly visits made to Adult Homes in accordance with the National Health Service and Community Care Act 1990.

### **Designation of Officers**

- 7.11 To appoint qualified person(s) to hold the following statutory offices:-
- Public Analyst for the purposes of the Food Safety Act 1990 and Agricultural Analyst for the purposes of the Agriculture Act 1970;
  - Deputy Public Analyst for the purposes of the Food Safety Act 1990.
  - Deputy Agricultural Analyst for the purposes of the Agriculture Act 1970.
  - Chief Inspector of Weights and Measures for the purposes of the Weights and Measures Act 1985;
  - Designated Proper Officer for the purposes of the Registration Service Act 1953;
- 7.12 To designate staff of the department under the Petroleum (Consolidation) Act 1928 (Enforcement) Regulations 1979 as Inspectors for the purposes of Section 20(2)(a)-(m) of the Health and Safety at Work Act 1974 and to vary or terminate an Inspector's powers.
- 7.13 To designate staff of the Department as Inspector, Authorised Officer and/or Sampling Officer, as the case may be, for all purposes under legislation conferring powers or duties on the County Council in respect of the protection of the public, consumers, animals both wild and domestic, or the environment, and the enforcement of which the County Council are empowered to undertake; and to confer on them all powers which the County Council may confer for the purposes of determining whether or not the provisions of such legislation and any Orders and Regulations are being complied with and all powers of enforcing the same in accordance with the relevant legal provisions for doing so.
- 7.14 To designate staff of the department as being authorised to apply to a court of summary jurisdiction for a warrant pursuant to legislation referred to in paragraph 7.9 above.
- 7.15 To designate staff of the Department as being authorised, after receipt of the necessary information, to issue or where so authorised to refuse or to revoke any licences or to register any persons or premises or to issue certificates and collect any fees pursuant to legislation referred to in paragraph 1.9 above upon such terms and conditions as may be appropriate in each case.

### **Other Powers and Duties**

- 7.16 To take and implement decisions in respect of the discharge of the County Council's functions with regard to Asylum Seekers.
- 7.17 To refuse to renew licences where licensees have failed to submit the appropriate petroleum spirit storage tank test certificate and/or the appropriate petroleum spirit store electrical installation test certificate by the due date.

- 7.18 To approve premises for the solemnisation of marriages and to carry out the County Council's duties under the Marriage Acts 1949 and 1994 (other than those relating to fees and final appeals).
- 7.19 To sanction the use of parts of buildings for the storage of celluloid under the Celluloid and Cinematography Film Act 1922.
- 7.20 To authorise, in cases of urgency and subject to consultation with the Chairman of the Safety of Sport Grounds Panel of the Audit Committee:-
- An application to a court under the Safety of Sports Grounds Act 1975 to prohibit or restrict the admission of spectators;
  - The issue of a prohibition notice under the Fire Safety and Safety of places of Sport Act 1987 when the risk to spectators at a ground is so great that until steps have been taken to reduce it to a reasonable level the admission of spectators ought to be restricted or prohibited.
  - The service of a preliminary notice to enforce safety at outdoor sports grounds where it is confirmed that a stand provides cover for more than 500 people.
- 7.21 To make technical amendments to Safety Certificates.

## **8. Delegations to Director for Place and Deputy Chief Executive**

### **Highways Matters**

- 8.1 To exercise all the powers and duties of the County Council under the Highways Act 1980 (other than Section's 90A to 90I) and the Rights of Way Act 1990 in relation to roads, highways, footpaths, bridleways and byways open to all traffic and to serve all notices and take all steps as the Acts may require in connection with the exercise of such powers and duties.
- 8.2 After seeking the views in each case of the local member(s) of the County Council affected thereby and the relevant District Council and Parish Council, and provided the local member(s) of the County Council so consulted do not object thereto, to exercise, the powers and duties of the County Council under Sections 90A to 90I of the Highways Act 1980 (Road Humps and other Traffic Calming Works); and under the Road Traffic Regulation Act 1984 (as amended) in respect of the following matters:-
- Traffic Regulation Orders (Part I of Act)
  - Experimental traffic schemes (Part I of Act)
  - Temporary prohibitions and restrictions on roads (Part II of Act)
  - Provision of crossings and playgrounds (Part III of Act)
  - Provision of on and off-street parking (Part IV of Act)
  - Provision and placing of traffic signs (Part V of Act)
  - Speed limits (Part VI of Act)
  - Placing of bollards and other obstructions (Part VII of Act)
  - Administrative and other powers and duties for the purposes of items (a) to (h) above (Parts IX and X of Act)

- 8.3 To determine objections to proposed Traffic Regulation Orders under paragraph 2 above (other than those made by the local members of the County Council affected thereby).
- 8.4 In consultation with the Chief Constable, District Councils, County Teachers, and other representatives of organisations concerned with road safety, to maintain monitor review and implement a road safety strategy within the County Council's road safety policies.
- 8.5 To approve District Councils' proposals under Sections 23 (market places) and 38 (cycling in pedestrian areas) of the Staffordshire Act 1983.
- 8.6 To approve District Councils' applications for Orders to amend charges for parking places in accordance with the powers contained in Section 35 of the Road Traffic Regulation Act 1984.
- 8.7 To take action on behalf of the County Council, after consultation where appropriate with District Councils, under Sections 5 (traffic signs), 6 (damage to footways), 7 (plans of new streets), 8 (vesting of former highway land) and 10 (grass verges etc) of the Staffordshire Act 1983.
- 8.8 To grant street works licences under the New Roads and Street Works Act 1991.
- 8.9 To deal with individual cases where an altered highway produces a significant and obvious hardship either by the alteration directly or by a substantial increase in traffic which has been triggered by the alteration and where the total cost of providing discretionary noise insulation does not exceed the current cost of £5,000 per scheme (index linked in subsequent years by the national GDP).
- 8.10 To take and implement any decisions necessary to fulfil the obligations of the County Council pursuant to, and in accordance with, a Service Level Agreement relating to the Council's participation in the Safety Camera Netting Off Scheme partnership, including approving the annual operational plan for the Scheme.
- 8.11 To adopt new streets and private streets as highways maintainable at public expense, subject to public record being kept of the date of the adoption.
- 8.12 To make temporary closure orders for public paths under Section 14 of the Road Traffic Regulation Act 1984 because of works on, or near, the path or because of the likelihood of danger or damage.

## **Planning Matters**

- 8.13 Unless the observations which the Director for Place and Deputy Chief Executive proposes to give would represent a material departure from a policy of the County Council or the County Structure Plan, the Minerals Local Plan, the Waste Local Plan, or Strategic Policy Guidance for which the County Council is responsible:-

- To give the County Council's observations to District Councils, adjoining authorities, Government Departments and Statutory Undertakers/ Public Utilities in response to consultations on planning, planning-related or environmental applications.
- To give the County Council's observations to the Environment Agency in response to consultations on an intention to issue a Waste disposal licence which accords with a previous planning Permission, or proposed modification to an existing licence and any proposed exemption.

8.14 To refer to the Secretary of State for the Environment any District Council's proposal for its own development which would be detrimental to the County Council's interests or which would be contrary to the County Council's views.

8.15 To authorise the Peak Park Authority to discharge the County Council's powers and functions under the Ancient Monuments and Archaeological Areas Act 1979 in respect of that part of the Peak District National Park which is within Staffordshire, without prejudice to the exercise concurrently by the County Council within that area of their powers under the Act.

8.16 Where there is no objection to the application or matter in question from:-

- The Chairman of the Planning Committee or the nominated opposition spokesperson;
- The relevant District Council or Parish Council;
- The local member of the County Council;
- A statutory consultee other than Sport England;

and no more than four letters of objection on planning grounds have been received (or such objection does not amount to a material planning consideration) then the Director may (subject at the Director's discretion to consultation with the Chairman, or Vice-Chairman of the Planning Committee) decide to:-

- Grant planning permission for the County Council's own development other than those relating to proposals of the Development Services Leader;
- Grant planning permission for minerals and waste developments which do not involve the development of a substantial new site or the significant extension of an existing site
- Refer applications for the County Council's own development to the Secretary of State where the application involves a Listed Building or development in the Green Belt or Sport England have objected.

8.17 Subject to first consulting the Director of Law and Democracy:-

- To issue or withdraw an Enforcement Notice, or waive or relax any requirements of the Notice.
- To serve a Planning Contravention Notice.
- To serve a Breach of Condition Notice.
- To seek an Injunction in respect of an actual breach or an intended breach of development control.
- To serve a Notice relating to the replacement of trees.
- To serve a Temporary Stop Notice.

- 8.18 A decision under 8.17 above may be taken by the Head of Planning and Economic Development to serve a Stop Notice in conjunction with an Enforcement Notice in the absence of the Director for Place and Deputy Chief Executive, subject to the approval of the Chairman or (in his absence) the Vice-Chairman of Planning Committee and to consultation with the Director of Law and Democracy and the 'local' Member but may not otherwise be sub-delegated.
- 8.19 To consider any representations or offers which any person upon whom a Planning Contravention Notice has been served may wish to make and to take such decisions in relation thereto as the Chief Officer thinks fit.
- 8.20 To approve matters reserved for later approval following consent in principle given by the Planning Committee or detailed submissions pursuant to conditions imposed by the County Council.
- 8.21 To approve submissions by mineral undertakers and the Coal Authority under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and applications for prior notification under Parts 6, 19, 20, 21, 22, 23 and 31 of that order, and to determine applications for prior approval.
- 8.22 To take decisions on the need for an environmental assessment in relation to a particular application.
- 8.23 In the case of extreme urgency and in consultation with the Chairman of the Planning Committee to issue directions under the Town and Country Planning (General Permitted Development) Order 1995 with regard to a restriction of permitted development.
- 8.24 To make a limestone pavement order.
- 8.25 To give in consultation with the Chairman of the Planning Committee a Direction that a Tree Preservation Order shall have immediate effect without previous confirmation, subject to and under Section 201 of the Town and Country Planning Act 1990.
- 8.26 To arrange for a site visit to be held in connection with any development control matter where in the opinion of the Chief Officer the consideration of that matter would be facilitated or enhanced by such visit; and on any such site visit to arrange for the attendance of the Chairman of the Planning Committee and such Members of the Planning Committee as may be appropriate, and the local member(s) of the County Council affected by the matter, and where the Chief Officer considers it appropriate, for the relevant District Council and/or Parish Council to be represented (having regard to the terms of the Parish Council Charter); provided that no decision in relation to that matter shall be taken on the site visit.
- 8.27 To agree to requests for extensions of time for the submission of a Scheme of Conditions under the Environment Act 1995 where a concurrent consolidation

application for planning permission has been made and the submission of such Scheme would not be required were the planning permission applied for to be granted.

### **Footpaths and Public Rights of Way**

- 8.28 To designate a footpath as a cycle track under the Cycle Tracks Act 1984.
- 8.29 To keep the register of prescribed information with respect to applications under Section 53(5) of the Wildlife and Countryside Act 1981.
- 8.30 To enter into agreements with respect to means of access to any access land under Section 35 of the Countryside and Rights of Way Act 2000 and to provide access in the absence of such agreement under Section 37 of that Act.
- 8.31 To authorise the stopping up or diversion of a footpath or bridleway and to extinguish public rights of way over land held for planning purposes under Sections 257 and 258 of the Town and Country Planning Act 1990.
- 8.32 To determine, in the case of non-contentious applications and those arising at the County Councils own volition, applications for definitive map modification orders under Section 53 of the Wildlife and Countryside Act 1981, subject to consultation with the local member(s), and referral to the Countryside and Rights of Way Panel if the matter becomes contentious.

### **Property Matters (including County Farms)**

- 8.33 To take all steps in connection with the administration and management of all the County Property estate (other than property vested in the Pension Fund) including the purchase and disposal of land, (provided that any transaction is at full market value and the value of the transaction does not exceed £1 million), the acquisition and granting of tenancies, licences and wayleaves, the service of notices in connection with the estate, the granting of consent for alterations in the property or its use, and the settlement of rents, rent reviews, compensation and/or valuations where relevant.
- 8.34 To take all steps in connection with the administration and management of the County Farms estate including the purchase and disposal of land, the acquisition and granting of tenancies, licences and wayleaves, the service of notices in connection with either estate, the granting of consent for alterations in the property or its use, and the settlement of rents, rent reviews, compensation and/or valuations where relevant.

### **Arts and Culture**

- 8.35 Following consideration of any recommendation of the Public Art Fund Steering Group, to take decisions on allocations from the Public Art Fund.
- 8.36 To take decisions on the allocation of grants from the County Council's Arts Grants Scheme.

- 8.37 To authorise the disposal of artefacts from the County Museum collection.

### **Other Powers**

- 8.38 To arrange for a site visit to be held in connection with any matter where, in the opinion of the Chief Officer, the consideration of that matter would be facilitated or enhanced by such a visit; and on any such site visit, to arrange for the attendance of the relevant Portfolio Holder and such other members of the Cabinet as may be appropriate, together with the local member(s) of the County Council affected by the matter and, where the Chief Officer considers it appropriate, for the relevant District Council and/or Parish Council to be represented (having regard to the terms of the Parish Charter); provided that no decision in relation to that matter shall be taken on the site visit.
- 8.39 To authorise the Peak Park Authority to discharge the County Council's Countryside functions, as contained in the Countryside Act 1968, in relation to land at the former Waterhouses Railway Station.
- 8.40 To act, and to nominate staff of the Directorate to act, as conformity and technical advisers to the West Midlands Regional Planning Body pursuant to the Planning and Compulsory Purchase Act 2004.

## **9. Delegations to the Director of Finance and Resources**

- 9.1 To carry out all Treasury Management activities within the Treasury Management Policy Statement and Annual Treasury Management Strategy approved from time to time by the Cabinet and in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities and the raising of loans and the issuing of County Council Bills in the case of emergency.
- 9.2 To take and implement any decision which he is empowered to take in accordance with Financial Regulations in his capacity as Director of Finance and Resources.
- 9.3 To take any decision relating to the investment or management of the Pension Fund which is within the framework of the strategic or policy decisions of the Pensions Committee or the Pensions Panel and decision relating to the investment or management of the Pension Fund which cannot reasonably await the next meeting of the Pensions Committee or the Pensions Panel after taking advice from a Consultant or Adviser as appropriate.
- 9.4 To allocate the annual dedicated risk management budget.
- 9.5 To approve the grant and amount of car loans where the requirements of the County Council's scheme are not fully met.
- 9.6 To take all necessary steps to secure the cessation of any unauthorised use or occupation of the County Council's land and property assets.



- 9.7 Subject to the overall limit thereof not being exceeded, to use the County Council's capital reserve for advance capital expenditure purposes up to a limit of £7,500 for each item.
- 9.8 To be (along with Director of Law and Democracy) the County Council's authorised officer for the purpose of giving certificates under the Local Government (Contracts) Act 1997). The County Council has indemnified the Director of Law and Democracy and the Director of Finance and Resources against any claims made against them (including costs incurred by and awarded against them) and will not itself make claims against them for any loss or damage (other than claims falling within the cover provided to their officers under any policy of insurance taken out by the officer) occasioned by neglect, act, error or omission committed by such officer in the course of or in connection with signing a certificate within the meaning of the Local Government (Contracts) Act 1997. This indemnity will not apply where the loss or damage results directly or indirectly from the commission of a criminal offence of which the officer is convicted, or results directly or indirectly from the fraud or dishonesty of the officer, or where the officer disregards a decision by the County Council that the certificate should not be given.