

TABLE 3

## DELEGATIONS TO THE DIRECTOR OF LAW AND DEMOCRACY

	DELEGATED POWER	OVERALL RESPONSIBLE BODY
1.	To be the Council's Monitoring Officer	COUNCIL
2.	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.	COUNCIL
3.	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.	COUNCIL
4.	To be the Senior Responsible Officer on behalf of the Council in relation to the Regulation of Investigatory Powers Act 2000 including responsibility for approving and authorising officers to act as: <ul style="list-style-type: none"> <li>a) An Authorising Officer in relation to the Regulation of Investigatory Powers Act 2000</li> <li>b) A designated person and single point of contact in relation to the Regulation of Investigatory Powers Act 2000</li> </ul>	COUNCIL
5.	To be the Proper Officer for any purpose for which the County Council has not designated another officer to be Proper Officer.	COUNCIL
6.	In consultation with the relevant Director(s), to make amendments to the Scheme of Sub-Delegations to reflect future changes in organisational structures, working practices, and future changes in relevant legislation and regulations.	COUNCIL
7.	To be (along with the Director of Finance and Resources) the County Council's authorised officer for the purpose of giving certificates under the Local Government(Contracts) Act 1997. <i>* 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</i>	COUNCIL

	DELEGATED POWER	OVERALL RESPONSIBLE BODY
	<i>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.</i>	
8.	To sign any documentation or take appropriate steps to implement or effect compliance with any Council, Cabinet or Committee resolution or an elected member or officer acting under delegated powers.	COUNCIL
9.	To be the Authorised Signatory for the purpose of attesting the affixation of the Common Seal of the County Council.	COUNCIL
10.	To maintain the registers of:- <ul style="list-style-type: none"> <li>• The financial and other interests of members and co-opted members of the County Council as required by the Local Government Act 2000</li> <li>• Officers' declarations of interest in contracts and other pecuniary interests</li> <li>• Any other matter relating to the interests of members and co-opted members which the County Council from time to time establish.</li> </ul>	COUNCIL
11.	To approve (but not refuse) applications from members submitted under the Staffordshire Local Community Fund	COUNCIL
12.	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 purpose of payment of travelling and subsistence allowance to that member	COUNCIL
13.	To approve in consultation with the Chairman of the County Council and the Leader of the Council a member's application for attendance at an event, function, meeting, outside body, conference or course not on the County Council's lists referred to in item 9 above as an approved duty or as within Section 175 of the Local Government Act 1972 for the purpose of payment of travelling and subsistence allowance to that member	COUNCIL
14.	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	COUNCIL
15.	To authorise, on the nomination of the Group Leaders, the filling of vacancies, or the interchange of members on Committees	COUNCIL
16.	To agree changes to appointments to outside bodies arising from changes in Cabinet, members or group nominations	COUNCIL

	DELEGATED POWER	OVERALL RESPONSIBLE BODY
17.	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 Director for People and Deputy Chief Executive 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 officers to exercise any such powers.	COUNCIL
18.	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 Cabinet Member for Adults and Wellbeing to deal with the matter (for example by reason of a potential conflict of interest).	COUNCIL
19.	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	COUNCIL
20.	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 19 of the Legal Services Act, 2007, and to represent the County Council at such other court venues including the High Court sitting in chambers, where permitted, and at Tribunals	COUNCIL
21.	To support Complaints Review Panels comprising three independent persons (ie not elected members) with expert knowledge of Children's Services to consider complaints under the Children's Services Act 1989 and the Local Authority Act 1970 which Panel is to make recommendations to the County Council on the course of action to be taken about any such complaint	COUNCIL
22.	To make arrangements for dealing with the following kinds of appeal under the School Standards and Framework Act 1998:- <ul style="list-style-type: none"> <li>• Admission appeals</li> <li>• Appeals against exclusions</li> <li>• Appeals by Governing Bodies</li> </ul>	CABINET (LOCAL CHOICE)
23.	To submit all planning and planning related applications, including those for the County Council's own operational	COUNCIL

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	development and highway schemes; for the disposal of surplus land/property; for Conservation Area consent; and for Listed Building consent	
24.	In consultation with the Chairman of the Planning Committee and Director for Place and Deputy Chief Executive 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	COUNCIL
25.	In consultation with the Director for Place and Deputy Chief Executive, to enter into agreements for the execution of highway works under the Highways Act, 1980	CABINET (LOCAL CHOICE)
26.	To exercise the powers and duties of the Council in connection with Common Land and Town/Village Greens (with the exception of the determination of applications – such decisions to be made by the Countryside and Rights of Way Panel of the Planning Committee) (Officers to have discretion to refer the matter to the Countryside and Rights of Way Panel for decision) (Appeals against an Officer decision to be referred to the Countryside and Rights of Way Panel)	COUNCIL
27.	On behalf of the County Council to appoint or ratify, as appropriate, all members of the Joint Local Access Forum	COUNCIL
28.	To determine claims made under section 36(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	COUNCIL
29.	To determine claims made under Section 56 of the Highways Act 1980 for the admission by the County Council of liability to maintain a highway	COUNCIL
30.	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 of 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	COUNCIL
31.	To make Gating Orders under Section 129A of the Highways Act 1980, in consultation with the Cabinet Lead Member for Public Health and Community Safety	COUNCIL
32.	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	COUNCIL

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	2005	
33.	In the role of Health and Safety 'Champion' for the County Council, to be responsible for the monitoring of the County Council's Corporate Health and Safety policies.	COUNCIL
34.	To enter into all necessary agreements for the provision of vehicles required by the Council including those under the corporate staff car leasing scheme	CABINET