

Delegated Powers to the Chief Executive

	<u>POWER</u>	<u>REASONS FOR CHANGE</u>
	Planning	
	<u>Strategic consultations</u>	
	Power to:	
(a)	respond to district councils, neighbouring authorities, statutory undertakers and government departments on behalf of the County Council, except where the proposal:	
	(i) would result in a development that conflicts with a site allocation within an adopted development plan for which the Council is responsible;	
	(ii) is considered to be of strategic importance;	
	(iii) the local member has requested in writing within 21 days of notification that the proposal should be considered by the Development Control and Regulatory Board and any recommendation considered by the Cabinet.	
(b)	respond to strategic consultations from Mineral and Waste Planning Authorities on their Local Aggregate Assessments (including the potential provision of aggregates from Leicestershire) and the management of waste, on the basis that where there appears to be significant policy implications for the County Council the matter will be referred to the Cabinet.	Removed requirement to consult the Lead Member on every assessment, though this will continue to be done in those cases where it is considered appropriate.
	Trading Standards	
	<u>Trading Standards Service – Functions and Responsibilities</u>	
(a)	Power to the Head of Regulatory Services to:	
	(i) authorise officers of this Authority or any other East Midlands authority to carry out	To update in line with current legislation and

	investigations, including the taking of samples and making test purchases, to issue warrants and/or credentials and notices in accordance with legislation in force for the time being and, subject to the concurrence of the Director of Law and Governance, to institute, prosecute, appear in and defend proceedings (both civil and criminal) and issue fixed penalty notices in accordance with the approved enforcement policy;	approved enforcement policy.
	(ii) to nominate staff to institute, prosecute or appear in legal proceedings for parallel offences committed outside of the County;	
	(iii) to make such appointments as are necessary in accordance with legislation in force for the time being including Public Analysts, Agricultural Analysts and the Chief Inspector of Weights & Measures.	NEW - To meet the requirements of current legislation.
(b)	Power to the Chief Executive to enter into arrangements to delegate functions contained in legislation in respect of Trading Standards matters to another authority. <i>[Note: A list of relevant legislation is retained within Regulatory Services.]</i>	
General Matters		
<u>Minibus Permits</u>		
	Power to issue permits in respect of large vehicles to bodies which assist or co-ordinate the activities of bodies listed in columns 2 and 3 of the Schedule to section 19 of the Minibus (Designated Bodies) Order 1987.	To provide clarification of the Regulations referred to.

Delegated Powers to the Director of Law and Governance

	<u>POWER</u>	<u>REASONS FOR CHANGE</u>
	<u>Joint Venture and other Partnership Agreements</u>	
	Power to the Director of Law and Governance to sign and the Director of Corporate Resources to agree terms of any Joint Venture Agreements or other development, partnership or collaboration agreement which is considered necessary in connection with the development of County Council land or property, subject to consultation with the Lead Member for Resources.	To include reference to collaboration agreements.

Delegated Powers to the Director of Corporate Resources

	<u>POWER</u>	<u>REASONS FOR CHANGE</u>
	Traded Services	
	<u>Leicester-Shire Schools Music Service and Education Hub</u>	
	<p>Power to:</p> <p>(a) take all decisions necessary to support the operation of the charitable incorporated organisation known as 'The Leicester-Shire Music and Cultural Trust' including the provision of relevant advice and assistance;</p> <p>(b) agree and sign contracts or memorandums as necessary relating to the operation of the Leicester-Shire Schools Music Service, Leicester-Shire Music Education Hub and the Leicester-Shire Music and Cultural Trust to ensure there are robust provisions to cover the service and minimise risk to the Council.</p>	Power transferred from the Director of Children and Family Services. Service is now managed and operated by Traded Services within the Corporate Resources Department.
	Property	
	<u>Joint Venture and other Partnership Agreements</u>	
	Power to negotiate and agree terms of, and the Director of Law and Governance to sign, any Joint Venture or other development, partnership or collaboration agreement which is considered necessary in connection with the development of County Council land or property, after consultation with the Lead Member for Resources.	To include reference to collaboration agreements.
	<u>Sales and Acquisitions</u>	
	<u>Operational Schemes</u>	
	<p>Power to purchase land for operational schemes within the approved capital programme or other operational purposes up to a maximum of £2 million per transaction;</p> <p>[Note: - 'operational schemes' excludes those</p>	To remove reference to operational developments which are managed in accordance with the Financial Procedures Rules and the Standard Financial Instructions.

	<p>schemes identified within the Corporate Asset Investment Fund.</p> <p>- with regard to the purchase of land to fulfil social care accommodation needs identified in the Social Care Investment Plan the Director of Corporate Resources will, in exercising this delegation, first consult with the relevant Chief Officer(s) and Cabinet Lead Member(s) and comply with those governance arrangements detailed in a report to the Cabinet dated 22 October 2019.]</p>	<p>Notes added to clarify what is meant by 'operational schemes' and to record centrally the governance process that is required to be followed before the delegation is exercised in respect of adult social care accommodation investments.</p>
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Delegated Powers to the Director Environment and Transport

	<u>POWER</u>	<u>REASONS FOR CHANGE</u>
	Highways	
	<u>Maintenance and Minor Highways Schemes</u>	
	Power to undertake all highways maintenance and minor highways schemes within the approved estimates including any associated Traffic Regulation Orders, subject to:	
(a)	a limit of £1m (including the cost of land) in any single case;	To increase limit from £200,000 to £1m.
(b)	the details of any such minor highways scheme having the support of the local County Councillor(s).	
	<u>Making up and adoption of prospectively adoptable / private streets</u>	
	Power in consultation with the Director of Law and Governance, to exercise the powers and duties of the County Council in relation to the making up and adoption of prospectively adoptable / private streets.	Power transferred from the Director of Law and Governance
	<u>Highways and Public Rights of Way</u>	
	Power, after consultation with the Local Member, to exercise the functions of the County Council and to determine any charge under the Highways Act 1980, the Wildlife and Countryside Act 1981 and the Town and Country Planning Act 1990 in relation to highways and public rights of way, provided that in the event that the Local Member requests that a report is submitted to the Development Control and Regulatory Board on the matter the power shall not be exercised by the Director of Law and Governance.	Power transferred from the Director of Law and Governance

	Environment and Waste	
	<u>Effluent Discharge Consent Applications</u>	
	Power, in consultation with the Director of Law and Governance, to respond to notifications of applications for discharge consents.	Power transferred from the Chief Executive
	Licensing Applications	
	<u>Licensing Arrangements</u>	
	Power to review and increase license charges on an annual basis as part of the general review of charges for County Council services in accordance with legislation in force from time to time.	To future proof delegation by removing specific reference to legislation and timescales.
	Planning Consultations	
	<u>Consultations by Planning Authorities</u>	
	Power to respond on behalf of the County Council as highway authority and as the waste disposal authority and as the lead local flood authority to any consultations by the local planning authority.	To take account of the County Council as the lead local flood authority.

Delegated Powers to the Director of Children and Family Services

	<u>POWER</u>	<u>REASONS FOR CHANGE</u>
	Education	
	<u>Admissions</u>	
	Power to agree school admission limits in relation to maintained schools, and admission of pupils to such schools in accordance with the current Schools Admission and associated policies and to direct admission where appropriate under the relevant legislative provisions.	To reflect change in legislation and County Council's responsibility in respect of maintained schools only (not academies).
	<u>Adjustment to Catchment Areas</u>	
	Power to make small adjustments to catchment areas for maintained schools which are supported by Headteachers and Governing Bodies where appropriate under the legislation in force for the time being.	To reflect change in legislation and County Council's responsibility in respect of maintained schools only (not academies).
	<u>Community, Foundation and Voluntary Schools</u>	
	Power to determine maintained school organisational changes (including establishment, making of prescribed alterations and closure) where there are no objections and in circumstances which do not require the approval of the School Adjudicator under the relevant legislative provisions in force for the time being.	To reflect change in legislation and County Council's responsibility in respect of maintained schools only (not academies).
	<u>Approval of Loans</u>	
	Power, in consultation with the Director of Corporate Resources and after consultation with the Lead Member, to approve loans to maintained schools of up to 7 1/2% of the school budget for a period of up to 5 years.	To reflect change in legislation and County Council's responsibility in respect of maintained schools only (not academies).

	Children's Social Care	
	<u>Accommodation for Looked After Children</u>	
	Power to take all necessary decisions in respect of the assessment and provision of accommodation for looked after children, including acting as guarantors of or entering into tenancy and license agreements with housing providers on behalf of looked after children.	To clarify that under this power the Director can act as guarantor and enter into a tenancy and license agreement on behalf of looked after children.
	<u>Provision of Services</u>	
	Power to provide and approve the provision of services for children and young people, whether directly or through others, and the recovery of charges where appropriate, within an agreed policy framework and in accordance with any statutory provisions in force for the time being, including enabling the Director to:	To make clear the Director can agree to provide as well as approve the provision of services in such circumstances.
(a)	give medical consents in those cases where the Authority is legally able to do so;	
(b)	arrange for or assist in arranging for a child looked after by the Authority to live outside England and Wales;	
(c)	consent to the marriage of children in respect of whom the Authority has parental responsibility;	
(d)	make adaptations to property.	Existing power moved to be captured under this section.
	<u>Child Arrangement Orders and Special Guardianship Orders</u>	
	Power in consultation with the Director of Law and Governance to authorise the payment of reasonable legal costs of applications for child arrangement orders and special guardianship orders in respect of children looked after by the Authority, and to make payments in accordance with the scheme in force for the time being.	Updated name of Orders (Child Arrangement Order and Special Guardianship Orders, previously referred to as Residence Orders).

	<u>Financial Payments</u>	
	Power to make payments to young people leaving care, looked after children, and to the carers of children in need in accordance with the schemes in force for the time being.	Updated in line with legislation currently in force.
	Unaccompanied Asylum-Seeking Children	
	<u>Unaccompanied Asylum-Seeking Children</u>	
	Power to provide services to, undertake assessments of, and, subject to the concurrence of the Director of Law and Governance, institute and defend proceedings relating to children and young people who are Unaccompanied Asylum-Seeking Children in accordance with the legal framework in force for the time being.	NEW - To take account of the County Council's new statutory responsibilities in this area.
	Legal Matters	
	<u>Preparation of Court Reports</u>	
	Power to authorise officers to prepare reports for and provide information to the courts in any proceedings (including family and youth justice proceedings) relating to children and young people.	To clarify the power includes family and youth justice proceedings.

Delegated Powers to the Director of Public Health

	<u>POWER</u>	<u>REASONS FOR CHANGE</u>
	<u>Health of Children and Young People</u>	
	Power to make arrangements for the undertaking of the Council's role and responsibilities in relation to the health of children and young people aged 0 to 19 years, including the medical inspection and treatment of school pupils (including those receiving education otherwise than at school), the weighing and measuring of such pupils and the undertaking of home health visits in accordance with the legislation in force for the time being.	To address the transfer of responsibility for health visiting from the NHS to Public Health.
	<u>Advisory Services</u>	
	Power to provide (or make arrangements to secure the provision of) public health advice or information to:	To remove specific reference to bodies and organisations or legislation which might be amended over time and impact on the operation of this delegation.
(a)	any Clinical Commissioning Group or such other NHS management body or organisation in operation from time to time (including providers) whose area falls wholly or partly within the County Council's area;	
(b)	public bodies, voluntary and charitable organisations and businesses with a view to the preparation of appropriate local health protection arrangements by those persons or bodies.	

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