

DELEGATED POWERS TO THE DIRECTOR OF ENVIRONMENT AND TRANSPORT

The following Delegated Powers should be read in conjunction with all other relevant parts of the Constitution, in particular –

- The General Scheme of Delegation to Heads of Departments (Part 3)
- The Financial Procedural Rules and Standard Financial Instructions (Part 4F)
- The Contract Procedure Rules (Part 4G)

and the Local Conditions of Service.

Officers should also have regard to any departmental rules and conventions before exercising these powers.

NOTE: -

- *Any exercise of a delegated power shall not involve a key decision.*
- *Any delegation to a Head of Department may be exercised on his or her behalf by any officer authorised by him or her either generally or specifically for the purpose.*

POWER

COMMITTEE/ SUBCOMMITTEE

Highways

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| 1. | <u>Private Street Works - Highways Act 1980, Part XI</u> | |
| | Power in consultation with the Assistant Director of Law and Governance to exercise the functions of the County Council relating to private street works under the legislation in force for the time being. | CABINET
14/06/11 |
| 2. | <u>Public Highway - Regulation and Control</u> | |
| | Power to exercise the functions of the County Council in relation to the regulation and/or control of activities in, on, under, over or adjacent to any public highway (including without prejudice to the terms of this authority the granting of consents, issuing permits and licences as well as taking any action considered appropriate to enforce control or to protect the highway and/or highway users and to recover any costs/expenses incurred by the County Council) subject to the concurrence of the Assistant Director of | CABINET
14/06/11 |

Law and Governance where legal proceedings by or against the County Council may be taken.

3. **Abandoned Bridges**
 Power to accept the transfer of abandoned bridges and/or maintenance responsibility under the legislation in force for the time being. CABINET 14/06/11
4. **Urgent Repairs to Private Streets**
 Power to exercise County Council functions in respect of urgent repairs to private streets in line with the legislation in force for the time being. CABINET 14/06/11
5. **Highway Works by Third Parties**
 Power to enter into agreements with third parties for a contribution towards highway works by person deriving special benefit from them. CABINET 14/06/11
6. **Maintenance and Minor Highways Schemes**
 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;
 - (b) the details of any such minor highways scheme having the support of the local County Councillor(s).
 CABINET 24/03/20
7. **Noise Insulation**
 Power to exercise the Highway Authority's statutory obligations in relation to noise insulation of properties resulting from highway schemes. CABINET 14/06/11
8. **Extinguishment of Highway Rights**
 Power, subject to any sensitive or difficult cases being reported to the Cabinet for decision, to approve proposals for orders extinguishing highway rights. CABINET 14/06/11
9. **Highways Dedications**
 Power to approve dedications of land as public highway which do not involve compensation negotiations or the transfer of any interest. CABINET 14/06/11

10. **Highway Infrastructure Asset Management Plan**
- Power to develop and implement such operational procedures as are considered necessary to ensure the effective delivery of the Highway Infrastructure Asset Management Plan.
- CABINET
15/09/17
11. **Permit Scheme for Street Works and Road Works**
- Power, following consultation with the Cabinet Lead Member, to implement and oversee the on-going management, and to make minor changes to, the Leicestershire County Council Permit Scheme as he considers appropriate.
- CABINET
15/09/17
12. **Making up and adoption of prospectively adoptable / private streets**
- Power in consultation with the Assistant 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.
- CABINET
24/03/20

Street Lighting

13. **Electricity Contracts for Street Lighting and Illuminated Signs**
- Power, in association with ESPO, to procure through the market energy contracts for street lighting and illuminated signs.
- CABINET
14/06/11

Public Rights of Way

14. **Rights of Way**
- Power:
- (a) to take any action considered appropriate, including legal action with the concurrence of the Assistant Director of Law and Governance, to protect, maintain, improve, keep free from obstructions, waymark and record the public rights of way network, including the power to enter, survey and carry out work on the public right of way pursuant to the relevant legislation in force for the time being. Legal action shall include the serving of notices, issuing of licenses and commencing proceedings;
- DCRB
18/03/10

- (b) after consultation with the Lead Member, to appoint members to the Local Access Forum.

15. **Highways and Public Rights of Way**

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 Environment and Transport.

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16. **Motor Vehicle Trials on Public Rights of Way**

Power to determine applications for motor vehicle trials on public rights of way under legislation in force for the time being, subject to prior consultation with the local member for the area concerned and only to grant such licences where traffic could be accommodated within the condition and character of the right of way.

CABINET
14/06/11

Traffic and Transport

17. **Minor Transport Schemes**

Power, after consultation with the appropriate Lead Members, to approve details of routine minor transport schemes in the approved transportation Capital Programme, including associated Traffic Regulation Orders, provided the schemes have the support of the local County Councillor(s).

CABINET
14/06/11

18. **Public Transport Matters**

Power:

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14/06/11

- (a) after consultation with the Lead Member and subject to current approved budget provision to enter into arrangements for the introduction, continuation and/or variation of bus service contracts;
- (b) in appropriate circumstances and subject to the concurrence of the Assistant Director of Law and Governance to terminate bus service contracts;

- (c) to take any action necessary to administer the Concessionary Travel Scheme;
- (d) to administer the provision of Home to School and Social Care transport.

19. **Traffic Management Act 2004**

Power to exercise the following functions on the Council's behalf:

CABINET
14/06/11

- (a) Part 2 of the Traffic Management Act 2004;
- (b) Part III of the New Roads and Street Works Act 1991 (as amended by the Traffic Management Act 2004);
- (c) Part IX of the Highways Act 1980 (as amended by the Traffic Management Act 2004);
- (d) Part 6 of the Traffic Management Act 2004.

20. **Road Traffic Regulation Act 1984**

Power to exercise the functions of the County Council under the Road Traffic Regulation Act 1984, subject to consultation with the Assistant Director of Law and Governance, (including the power to fix any charge or fee) and including the power, where a scheme has the support of the local member(s) and the appropriate Cabinet Lead Members, to overrule objections.

CABINET
14/06/11

[Note: In cases where the proposal does not have the support required, the matter will be referred to the Cabinet for determination.]

Waste

21. **Waste Management Licence Applications, Amendments and Reviews**

Power, after consultation with the Chairman and Spokesmen of the Development Control and Regulatory Board and the local County Councillor(s), to respond to consultations from the Environment Agency on applications for the licensing of waste facilities.

CABINET
14/06/11

22. **Arrangements for Interim Residual Waste Treatment**

Power, after consultation with the appropriate Lead

CABINET

Member and the Director of Corporate Resources to make provision for additional waste treatment, if that is considered necessary prior to the delivery of long term residual waste treatment. 14/06/11

23. **Effluent Discharge Consent Applications**

Power, in consultation with the Assistant Director of Law and Governance, to respond to notifications of applications for discharge consents. CABINET
24/03/20

24. **Coventry and Solihull Waste Disposal Company Ltd**

Power to: CABINET
09/01/18

- (a) make any and all decisions in respect of the County Council's shareholding in the Coventry and Solihull Waste Disposal Company Limited;
- (b) attend and participate in the Coventry and Solihull Waste Disposal Company Limited Shareholder Panel on behalf of the County Council or to appoint a nominee to attend and participate on the Director's behalf.

Licensing

25. **Goods Vehicles Operators Licences**

Power to: CABINET
14/06/11

- (a) exercise all the functions exercisable by the County Council in respect of the maintenance of the County Council's Goods Vehicle Operator's Licence under the legislation in force for the time being;
- (b) enter objections in relation to goods vehicles operator licences on the basis that this should normally be confined to matters affecting the County Council as highway authority.

26. **Licence Charges**

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. CABINET
24/03/20

Strategic Planning

27. Consultations by Local Planning Authorities

Power to respond on behalf of the highway authority and as the waste disposal authority to any consultations by a local planning authority. CABINET
14/06/11

28. Statements of Common Ground

Power to agree the County Council's response to consultations on Statements of Common Ground and to the County Council becoming a signatory to Statements of Common Ground documents with Leicestershire district councils, Leicester City Council and other neighbouring authorities except where these are considered to be of strategic importance to or have significant policy implications for the Authority, in which case the matter will be referred to the Cabinet. CABINET
14/12/21

[Power transferred from the CEX under delegated powers following reorganisation to transfer growth and strategic planning services to the E&T Dept (07.01.2026)]

29. Strategic Planning Consultations

Power to respond to district councils, neighbouring authorities, statutory undertakers and government departments on behalf of the County Council, except where the proposal: CABINET
24/03/20

- (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.

[Power transferred from the CEX under delegated powers following reorganisation to transfer growth and strategic planning services to the E&T Dept (07.01.2026).]

Planning, Historic and Natural Environment

30. Rights of Entry

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| (a) | Power to enter premises for the purpose of enforcing the control of hazardous substances pursuant to the relevant legislation in force for the time being. | DCRB 23/06/11 |
| (b) | Power to exercise any right of entry onto land which is exercisable by the County Council in order to survey and/or carry out work which is considered necessary in order to carry out a delegated function, subject to compliance with the relevant legislation in force for the time being. | DCRB
12/03/20 |

[Powers transferred from the CEX under delegated powers following reorganisation to transfer the PH&NE service to the E&T Dept (02.03.2026).]

31. Development Management – Town and Country Planning

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| Power to: | | DCRB
18/03/10 |
| (a) | determine which applications should be referred to the County Council for consultation under Schedule 1 of the Town and Country Planning Act 1990 and to notify District Councils of any such determination ; | |
| (b) | issue directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). | DCRB
12/03/20 |

[Powers transferred from the CEX under delegated powers following reorganisation to transfer the PH&NE service to the E&T Dept (02.03.2026).]

32. Strategic Planning Consultations (Mineral and Waste)

Power to 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.	CABINET 24/03/20
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[Power transferred from the CEX under delegated

powers following reorganisation to transfer the PH&NE service to the E&T Dept (02.03.2026).]

33. **Amendment of Planning Conditions**

Power, following consultation with the Chairman and Spokespersons of the Development Control and Regulatory Board (the Board), to make non-substantial amendments to conditions imposed by the Board as part of its decision to grant planning permission for an application provided that such changes are not material and do not raise significant new issues requiring referral back to the Board.

DCRB
12/03/20

[Power transferred from the CEX under delegated powers following reorganisation to transfer the PH&NE service to the E&T Dept (02.03.2026).]

Tree Preservation Orders

34. **Works to Trees**

Power to comment on and/or to determine applications to works on trees protected by a tree preservation order except where the elected local member has indicated in writing within 21 days of notification that the application should be submitted to the Board for determination.

DCRB
12/03/20

35. **Access to Properties to Inspect Trees Protected by Leicestershire County Council Tree Preservation Orders**

Power to exercise the functions of the County Council under section 214B of the Town and Country Planning Act 1990 to authorise officers to enter land for the purpose of surveying trees in connection with reviewing tree preservation orders and/or exercising any of the functions of the County Council under Part VIII of the Act in relation to trees.

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19/09/13

Flooding

36. **Flood Risk Management**
- Power to exercise the functions of the County Council in relation to flood risk management in Leicestershire under the Flood and Water Management Act 2010 and Land Drainage Act 1991 (as amended).
- CABINET
23/07/12

General

37. **Power to Require Information as to Interests in Land – Town and Country Planning Act**
- Power to the Director of Environment and Transport and the Chief Executive to exercise any rights of the County Council to require information as to interests in land, subject to compliance with the relevant legislation in force for the time being.
- DCRB
18/03/10
38. **Abandonment of Building and Improvement Lines**
- Power, after consultation with the Cabinet Lead Member, to exercise the functions of the County Council in relation to the prescription and revocation of building and improvement lines subject to no adverse comments being received from the appropriate local County Councillor(s).
- CABINET
14/06/11
39. **The Blue Badge Scheme**
- Power to charge a fee no greater than that permitted in the Regulations covering the issuing of disabled blue badges.
- CABINET
16/06/11
40. **High Speed Rail (Phase 2) (HS2)**
- Power, following consultation with the Lead Member and subject to engagement with the relevant local members, to respond on behalf of the Council to requests and consultations from HS2 Limited.
- CABINET
16/10/18
41. **Minibus Permits**
- 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.
- CABINET
24/02/03

[Power transferred from the CEX under delegated powers following reorganisation to E&T Dept. (02.03.2026).]

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