

DELEGATED POWERS TO THE THE CHIEF LEGAL OFFICER AND MONITORING OFFICER

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 Officer may be exercised on his or her behalf by any officer authorised by him or her either generally or specifically for the purpose.*

POWER

DELEGATING BODY

Financial Matters

1. **Local Authorities (Indemnities for Members and Officers)
Order 2004**

Power to determine requests by officers and members for assistance under indemnity, except that in the case of requests for assistance by members in respect of breaches of the Members' Code of Conduct, the Chief Executive shall be authorised to determine such requests.

CABINET
14/06/11

2. **Payments or other benefits in cases of maladministration**

Power, in consultation with the relevant Chief Departmental Officer, to make payments or provide other benefits in cases of maladministration, subject to information on those payments being included in the annual report to the Corporate Governance Committee on the Ombudsman Annual Review and Corporate Complaint Handling and after consulting the Chairman of the Corporate Governance Committee in any case where the value exceeds £5,000.

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26/11/12

Pensions

3. Local Government Pension Scheme Complaints

In respect of applications received by the County Council as the administering authority for the Leicestershire County Council Pension Fund under the Local Government Pension Scheme Regulations 2013 (or such other regulations as come into force from time to time), power to:

LOCAL PENSION
COMMITTEE
28/02/20

- (a) act as the adjudicator and determine applications at Stage I of the process;
- (b) act as the adjudicator and determine applications at Stage II of the process provided that he/she will not exercise this delegation in respect of any application that he or she has previously been involved in at Stage I;
- (c) delegate the functions in (a) and (b) above to an external person or body where he/she considers this to be appropriate, in particular where it is necessary to avoid any potential conflict of interest.

[Note – The Director of Corporate Resources holds a delegated power to act, where appropriate, in cases where the Chief Legal Officer and Monitoring Officer is unable to do so.]

Member Conduct Matters

4. Member Conduct Complaints Procedures

Power to:

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COMMITTEE
24/09/12

- (a) exercise such powers as are necessary to give effect to the 'Procedure for dealing with allegations of a breach of the Members' Code of Conduct' in force for the time being;
- (b) introduce such further procedures, guidelines and guidance notes as he/she considers necessary to support the Council's arrangements for dealing with allegations of a breach of the Members' Code of Conduct;
- (c) following consultation with the Chairman and Spokesmen of the Corporate Governance Committee, to amend the 'Procedure for dealing with allegations of a breach of the Members' Code of Conduct' approved by the Corporate Governance Committee on 29 September 2012 (as amended);
- (d) to make such temporary appointments from amongst people

COUNTY COUNCIL

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 serving as independent persons of a different relevant authority as he/she considers necessary, whose views may be sought and taken into account in relation to allegations of a breach of the Members' Code of Conduct for a particular case or period of time, in accordance with any statutory provisions in force for the time being.

5. **Dispensations to speak/participate in matters in which a Member has an interest**

Power, after consultation with the Chairman and Spokesmen of the Corporate Governance Committee, to grant dispensations to members in accordance with legislation in force from time to time. CORPORATE GOVERNANCE COMMITTEE
29/09/12

Land and Property

6. **Rent Arrears**

Power to take court proceedings to recover arrears of rent or due payments by occupiers of properties under the control of the County Council. CABINET 14/06/11

7. **Requests for Information**

Power 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. CABINET 14/06/11

8. **Joint Venture Agreements**

Power, subject to prior consultation with the Lead Member for Resources, 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 the development of County Council land or property. CABINET 24/03/20

Highway and Rights of Way Matters

9. **Blight and Purchase Notices**

Power to accept blight notices and purchase notices arising as a result of decisions of the Highway Authority, subject to the concurrence of the Director of Environment and Transport and subject to officers being satisfied that the Council is legally bound to comply with the notice. CABINET 14/06/11

10. **Maintenance and Minor Improvements**

Power to enter into Agreements under Sections 4 and 6 of the CABINET

Highways Act 1980 where the Director of Environment and Transport approves the proposed works and costs to be incurred by the County Council (if any) are within the Director's delegated powers. 14/06/11

11. **Vesting of Former Highway Land - Leicestershire Act 1985, Section 11**

Power, subject to consultation with the Director of Environment and Transport, to exercise the functions of the County Council under Section 11 of the Leicestershire Act 1985. CABINET 14/06/11

12. **Removal of Itinerants/Gypsies and Travellers**

Power to take action to secure the removal of unauthorised encampments in accordance with the provisions of the Multi-Agency Traveler's Unit Agreement. CABINET 14/06/11

Planning, Historic and Natural Environment Matters

13. **Enforcement Action**

Power, following consultation with the Director of Environment and Transport, to authorise and issue Enforcement Notices, Stop Notices, Temporary Stop Notices, Planning Enforcement Orders, Planning Contravention Notices, Breach of Condition Notices and apply for injunctions and all necessary consequential legal proceedings, both civil and criminal;

[Note: A schedule of all action taken under this power will be presented to the Board thereafter]

DCRB
12/03/20

[Transferred from Chief Executive under delegated powers following departmental reorganisation March 2026]

14. **Planning Agreements under Section 106 of the Town and County Planning Act 1990**

Power, following consultation with the Director of Environment and Transport, to:

DCRB
12/03/20

(a) negotiate, agree and complete agreements under Section 106 of the Town and County Planning Act 1990 (in consultation with the Director of Corporate Resources where the agreement relates to payments for County Council infrastructure), and any other statutory provision reasonably required to give effect to a planning obligation requested by the County Council in response to a planning application consultation, provided that where that request is not likely to be met either in whole or in part in that agreement, the relevant Lead Member will first be consulted;

(b) following consultation with the Chairman and

Spokespersons of the Development Control and Regulatory Board, to make non-substantial amendments to the provisions of a proposed agreement under Section 106 of the Town and County Planning Act in respect of a County Council planning application which have been previously approved by the Board.

15. **Wildlife and Countryside Act 1981**

Power to institute proceedings for alleged offences under the Wildlife and Countryside Act 1981. CABINET
14/06/11

16. **Commons and Village Greens**

Power to exercise the functions as registration authority under the relevant legislation in force for the time being in relation to commons and village greens. DCRB
23/06/11

Education

17. **School Standards and Framework Act 1998**

Power to seal any new or amended Instruments of Government to take account of the establishment or alteration of schools or any changes in the composition of a governing body for whatever reason. CABINET
14/06/11

[Transferred from Chief Executive under delegated powers following departmental reorganisation March 2026]

18. **Appeal Committee Arrangements**

Power to take all action in compliance with any current national Code of Practice and in compliance with any current statutory requirements, in connection with the receipt and handling of admission and exclusion appeals, and the recruitment, training and appointment of appeal panel members. CABINET
14/06/11

Regulatory Services and Trading Standards

19. **Regulation of Investigatory Powers Act 2000 (RIPA)**

- (a) Power to, and responsibility for, monitoring authorisations by officers of the County Council and for maintaining records generated by the operation of the Act; CABINET 14/06/11
- (b) Power to designate officers to grant authorisations under the RIPA.

Court Proceedings

20. Authority to Represent the County Council in Magistrates Courts

Power authorise staff to prosecute, defend or appear in proceedings before Magistrates' Courts on behalf of the County Council under Section 223 of the Local Government Act 1972.

CABINET
24/03/20

21. Libraries Bye-Laws

Power to institute proceedings in respect of the breach of Libraries Bye-Laws.

CABINET
14/06/11

Registrar Matters

22. Civil Partnerships

Power to nominate officers to act as civil partnership registrars and as authorised persons for the purpose of attesting notices of proposed civil partnerships.

CABINET
09/03/10

[Transferred from Chief Executive under delegated powers following departmental reorganisation March 2026]

GENERAL

23. Charities

Power to exercise the functions of the County Council under the legislation in force for the time being in respect of registered charities.

CABINET 09/03/10

[Transferred from Chief Executive under delegated powers following departmental reorganisation March 2026]