

APPENDIX 1

CHIEF EXECUTIVE'S DELEGATED POWERS

The following Delegated Powers should be read in conjunction with the General Scheme of Delegation to Heads of Departments, Financial Procedural Rules, Standard Financial Instructions, Contract Procedure Rules, and Local Conditions of Employment.

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

	<u>POWER</u>	COMMITTEE/ SUBCOMMITTEE
	FINANCIAL MATTERS	
1.	<u>Members Allowances</u>	
(a)	Power to make decisions regarding the payment of allowances where it is not practical to obtain a decision from a "relevant body".	COUNTY COUNCIL 17/09/03
(b)	Power to take all necessary steps to maintain the Independent Remuneration Panel to advise the Council on Members' Allowances on the basis agreed by the Constitution Committee on 26 September 2001, including the power to determine the allowance paid to the Panel members having regard to increases in inflation.	CONSTITUTION COMMITTEE 08/03/06
2.	<u>Scale of Election Expenses</u>	
	Power to approve the Scale of Fees to apply at any by elections.	CONSTITUTION COMMITTEE 10/03/09
3.	<u>Making payments or providing other benefits in cases of maladministration</u>	
	Power to the County Solicitor, in consultation with the relevant Chief 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 Committee on the Ombudsman Annual Review and Corporate Complaint Handling and subject to consultation with all members of the	STANDARDS COMMITTEE 04/03/11

Committee in any case where the value exceeds £1000.

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

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

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PERSONNEL MATTERS

5. **Concessionary Leave at Christmas and New Year**

Power to determine the precise date of the concessionary day's leave given annually to staff over the Christmas and New Year period.

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6. **Reimbursement of Expenses as a result of injury**

Power to deal with claims for the reimbursement of expenses reasonably incurred by employees as a result of an injury occurring during the course of their duties.

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COMMITTEE
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7. **Car Leasing**

Power with the Director of Corporate Resources, to agree leasing terms and administrative arrangements for a car leasing scheme.

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COMMITTEES

8. **Appointments to relevant Bodies including substitutes**

Authority to make and terminate appointments to relevant County Council bodies (not including the Cabinet) in accordance with the wishes of the political Group to whom the seat in question has been allocated, subject in the case of those bodies appointed by the Council itself the

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Group giving one clear working day's written notice to the Chief Executive of its wishes.

PROPERTY MATTERS

9. Rent Arrears

Power to the County Solicitor to take court proceedings to recover arrears of rent or due payments by occupiers of properties under the control of the Cabinet.

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10. Requests for Information

Power to the County Solicitor 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,

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HIGHWAY AND RIGHTS OF WAY MATTERS

11. Making up and adoption of prospectively adoptable / private streets

Power to the County Solicitor, in consultation with the Director of Environment and Transport, to exercise the powers and duties of the County Council in relation to the making up and adoption of prospectively adoptable / private streets.

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12. Blight and Purchase Notices

Power to the County Solicitor 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 the officers being satisfied that the Council is legally bound to comply with the notice.

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13. Highways and Public Rights of Way

Power to the County Solicitor, 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

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requests that a report is submitted to the Development Control and regulatory Board on the matter the power shall not be exercised by the County Solicitor.

14. **Countryside and Rights of Way Act 2000 – Crime Prevention and School Security in Relation to Rights of Way.**

The Chief Executive is authorized in consultation with the Director of Adults and Communities, to consider the nature and magnitude of reported problems of crime and disorder inasmuch as they are relevant to this legislation and establish procedures for implementing its provisions.

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(Note – taken from CYPs)

15. **Maintenance and Minor Improvements**

Power to the County Solicitor to enter into Agreements under Sections 4 and 6 of the 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.

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

Power to the County Solicitor, 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.

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17. **Removal of Itinerants**

Power to the County Solicitor to take action to secure the removal of unauthorized encampments in accordance with the provisions of the Multi-Agency Traveler's Unit Agreement.

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PLANNING MATTERS

18. **Section 106 of the Town and County Planning Act 1990**

Power to the County Solicitor to complete agreements under Section 106 of the Town and County Planning Act 1990 and any other statutory provision reasonably required to give effect to an obligation contained therein, in accordance with the recommendations of the relevant chief

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officer in cases where planning permission is sought to develop land, provided that when the agreement includes provision for the developer to contribute towards additional educational facilities, such authority not be exercised if, after consultation with the local member and appropriate Cabinet Lead Members, the County Solicitor considers the matter to be sensitive locally.

19. Enforcement Action

Power to authorise all enforcement proceedings and issue Enforcement Notices, Stop Notices, Planning Contravention Notices, Breach of Condition Notices and apply for Injunctions.

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Notes

- i) The Chairman of the Development Control and Regulatory Board and the local member will be notified prior to formal notices being issued or action taken.
- ii) Authority must be obtained from the Board before proceeding with any prosecution resulting from a failure to comply with formal enforcement action.
- iii) A report will be prepared setting out the rationale behind the decision. The report will be approved by the County Solicitor and held on the appropriate planning file.
- iv) A schedule of all action taken under this power will be presented to the Board thereafter.

20. Planning Applications, Hazardous Substances, Waste Management, Pollution Prevention and Listed Buildings

- a) Power (as appropriate) to comment on and/or to determine:

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- applications for planning permission (including approval of reserved matters and consents required under condition),
- the grant or continuation of hazardous

- substances consent,
- waste management licences/IPPC permits and
- listed buildings consent, except where:
 - (i) the application is contrary to the provision of an approved or draft development plan policy;
 - (ii) the application constitutes a "major" development (where the site area is more than one hectare or the floor space is more than 1,000 square metre
 - (iii) objections have been received during the statutory consultation period. In the event of an objection being received which appears not to relate to a material planning consideration, the County Solicitor in consultation with the Chairman and Spokesmen of the Development Control and Regulatory Board shall determine its relevance and whether it would be appropriate to refer the matter for determination by the Board;
 - (iv) the elected local member has indicated in writing within 21 days of notification that the application should be submitted to the Board for determination;
 - (v) the application is recommended for refusal;
 - (vi) a legal agreement relating to the application is required.

NOTE - The above powers are to be exercised in accordance with the procedure set out in the Appendix.

- b) 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.

21. Development Control – Town and Country Planning

- a) Power to determine which applications should be referred to the County Council for

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consultation under Schedule 1 of the Town and Country Planning Act 1990 and to notify District Councils of any such determination.

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- b) Power to issue directions under Article 4 of the Town and Country Planning General Development Order 1995 in relation to development under classes XXVI.2 and XXVII.2.

22. Environmental Assessment

Power to decide whether an Environmental Assessment is required in respect of any application, subject to a report being made on decisions in respect of County Matter applications to the first available meeting of the Development Control and Regulatory Board.

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23. Town and Country Planning Act - Historic Buildings – Rights of Entry.

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.

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24. Strategic consultations

The power to respond to district councils, neighbouring authorities, statutory undertakers and government departments on behalf of the County Council, except where the proposal:

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- (a) represents a departure from the development plan or emerging policies for which the Council is responsible;
- (b) is considered to be of strategic importance or controversial;
- (c) 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.

25. WASTE DISPOSAL MATTERS

Effluent Discharge Consent Applications

Power, in consultation with the Director of Environment and Transport to respond to notifications of applications for discharge consents.

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EDUCATION MATTERS

26. Appeal Committee Arrangements

Power to the County Solicitor 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.

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27. 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.

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TRADING STANDARDS MATTERS

28. Overloading of Goods Vehicles – Road Traffic Act 1988, Sections 70, 75 and 78/Traffic (Foreign Vehicles) Act 1972, Sections 1, 2 and 3.

a) All Trading Standards Officers (Inspectors of Weights and Measures) employed by the County Council be authorised for the purposes of Section 160 of the Road Traffic Act 1988 (as amended);

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b) the Secretary of State having given his consent, all Trading Standards Officers employed by the County Council being duly appointed Inspectors of Weights and Measures for the County of Leicestershire and authorised under the provisions of Section 160 of the Road Traffic Act 1988 be further authorised to act for the purposes of

Section 57(7) of the Road Traffic Act 1988 and Sections 1 and 2 of the Road Traffic (Foreign Vehicles) act 1972;

- c) the Head of Regulatory Services be authorised to issue all necessary authorisations to give effect to paragraphs (a) and (b) above;
- d) the Head of Regulatory Services and officers nominated by him be authorised, with the concurrence of the County Solicitor, to institute, prosecute and appear in proceedings in respect of any offence under Sections 40, 57 and 160 of the Road Traffic Act 1988 and Section 3 of the Road Traffic (Foreign Vehicles) act 1972; and
- e) the Head of Regulatory Services be authorised to nominate members of his staff to exercise the powers in connection with the weighing of vehicles under Sections 70 and 78 of the Road Traffic Act 1988 and under Sections 1 and 2 of the Road Traffic (Foreign Vehicles) Act 1972.

29. Trading Standards Service – Functions And Responsibilities

Power to the Head of Regulatory Services to authorise officers to carry out investigations, including the taking of samples and making test purchases, to issue notices and, subject to the concurrence of the County Solicitor, to institute and defend proceedings.

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Note: a list of relevant legislation is retained within Regulatory Services.

GENERAL MATTERS

30. 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 the Minibus (Designated Bodies) Order 1980.

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31. Wildlife and Countryside Act 1981

Power to the County Solicitor to institute proceedings for alleged offences under the Wildlife and Countryside Act 1981.

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32. **Commons and Village Greens**
- Power to the County Solicitor 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 **/**/**
33. **Libraries Bye-Laws**
- Power to the County Solicitor to institute proceedings in respect of the breach of Libraries Bye-Laws. CABINET
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34. **Appointments to Outside Bodies**
- Power, in consultation with the Leader and Deputy Leader or their nominees to approve appointments to outside bodies not covered by other delegations. CABINET
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35. **Authority to Represent the County Council in Magistrates Courts**
- Power to the County Solicitor to authorise staff to prosecute, defend or appear in proceedings before Magistrates' Courts on behalf of the County Council by virtue of Section 101 of the Local Government Act 1972, and the functions of the County Council under Section 223 of that Act. CABINET
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36. **Regulation of Investigatory Powers Act 2000 (RIPA)**
- (a) Power and responsibility to the County Solicitor as Monitoring Officer for monitoring authorisations by officers of the County Council and for maintaining records generated by the operation of the Act; CABINET
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- (b) Power to the County Solicitor to designate officers to grant authorisations under the RIPA.
37. **Honorary Aldermen**
- Power to the Chief Executive to take all necessary action relating to the appointment by the Council of Honorary Aldermen and the participation of Honorary Aldermen in COUNTY
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civic ceremonies and similar events.

38. Joint Venture Agreements

Power to the County Solicitor to sign and the Director of Resources to agree terms of any Joint Venture Agreements or other development/partnership agreements which are considered necessary in connection with schemes for the development of County Council land or property, subject to consultation with the Lead Member for Resources.

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39. Youth Offending

Power to the Head of the Youth Offending Service to initiate proceedings for breach of Orders in relation to young people subject to intervention and to initiate proceedings in relation to young people and their families under the Anti-Social Behaviour Legislation in force for the time being.

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40. Gating Policy for Leicestershire

Authority to the County Solicitor to:

(i) issue the requisite public notices for any proposed gating orders;

(ii) make gating orders in those cases where there are no unresolved objections.

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41. Licensing of Premises for Civil Marriages

Power to consider and determine applications for the approval of premises for the performance of civil marriages.

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42. 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.

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43. Performing Animals

Power to register applications in respect of performing animals unless the applicant is prohibited from being so registered by an order of the Court.

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44. Charities

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

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Development Control Delegation Scheme

Procedure to be followed in regard to delegated powers regarding Planning Applications, Hazardous Substances, Waste Management, Pollution Prevention and Listed Buildings (Delegation 2 a) above:-

1. Upon receipt of an application, the local Member will be notified that the application has been received, unless it relates to a planning submission (such as a detailed landscape or aftercare scheme) where neither the District Council, Parish Council or local residents are consulted. The local member will have 21 days to request the case officer in writing that the planning application should be considered by the Board.
2. Neighbour notification letters will contain brief information on the importance of the consultation period.
3. Should no request be received from Members and no objection received from interested parties or from consultees, the application would be determined under delegated powers.
4. A report will be prepared setting out the development proposals, the relevant Development Plan policies, an evaluation of the issues and a reasoned conclusion.
5. The report will be signed by and approved by an appropriate authorizing officer (who will not be the same as the author of the report) and held on the planning application file along with the decision note.
6. The local member will be notified of the decision and a list of all planning applications dealt with under delegated powers will be reported to the Board each month.