

Portfolio Holder Decisions/Leader Decisions

Date: Friday 9 July 2021

Time: 2.00 pm

Membership

Councillor Isobel Seccombe OBE

Councillor Peter Butlin

Items on the agenda: -

- | | |
|---|----------------|
| 1. Changes to the Powers Delegated to Trading Standards in line with amendments to the legislation | 3 - 46 |
| 2. Approval of the use of developer funds for design and development work associated with the proposed new All Through School in South Leamington/ Warwick | 47 - 50 |

Monica Fogarty
Chief Executive
Warwickshire County Council
Shire Hall, Warwick

Disclaimers

Disclosures of Pecuniary and Non-Pecuniary Interests

Members are required to register their disclosable pecuniary interests within 28 days of their election or appointment to the Council. A member attending a meeting where a matter arises in which s/he has a disclosable pecuniary interest must (unless s/he has a dispensation):

- Declare the interest if s/he has not already registered it
- Not participate in any discussion or vote
- Must leave the meeting room until the matter has been dealt with
- Give written notice of any unregistered interest to the Monitoring Officer within 28 days of the meeting

Non-pecuniary interests must still be declared in accordance with the Code of Conduct.

These should be declared at the commencement of the meeting

The public reports referred to are available on the Warwickshire Web

<https://democracy.warwickshire.gov.uk/uuCoverPage.aspx?bcr=1>

Public Speaking

Any member of the public who is resident or working in Warwickshire, or who is in receipt of services from the Council, may speak at the meeting for up to three minutes on any matter within the remit of the Committee. This can be in the form of a statement or a question. If you wish to speak please notify Democratic Services in writing at least two working days before the meeting. You should give your name and address and the subject upon which you wish to speak. Full details of the public speaking scheme are set out in the Council's Standing Orders.

Portfolio Holder Decision

Changes to the Powers Delegated to Trading Standards in line with amendments to the legislation

Portfolio Holder	Leader of the Council
Date of decision	9 July 2021
	Signed

Decision taken

That the Leader of the Council agrees to the proposed amendments to the delegated powers afforded to the Strategic Director for Communities and the Assistant Director (Environment Services) to accord with the changes in legislation enforced by the Trading Standards Service

Reasons for decisions

- 1.1 The delegations to the Trading Standards Service were last reviewed in January 2016. Since that time some of the legislation has been amended or repealed and new legislation has been introduced.
- 1.2 This report identifies the legislation which should be removed from or amended within the Constitution.
- 1.3 The report also seeks to identify new legislation introduced since the last review, which includes powers that the Trading Standards Service requires in order to fulfil its duties and to correct some errors whereby certain powers have been omitted.
- 1.4 Any reference in this report to a paragraph refers to the numbered paragraph in the table of delegations to the Strategic Director for Communities as it is currently in Part 2 Section10 of the Constitution, unless otherwise indicated.

Background information

2.0 Proposals

2.1 Powers and Duties – Paragraph 1

2.1.1 The reference to the European Communities Act 1972 needs to be updated by including reference to the European Union (Withdrawal) Act 2018, by virtue of which legislation made under the European Communities Act 1972 which the council has a duty to enforce continues to have effect.

2.2 Powers and Duties – Paragraph 2

2.2.1 The reference to the European Communities Act 1972 needs to be updated by including reference to the European Union (Withdrawal) Act 2018, by virtue of which legislation made under the European Communities Act 1972 which the council has a duty to enforce continues to have effect.

2.3 Powers and Duties – Paragraph 3

2.3.1 No changes are proposed.

2.4 Powers and Duties - Paragraph 4

2.8.1 The following legislation has been repealed or amended such that it is no longer relevant to Trading Standards, so it is proposed that these statutory provisions be removed from the Constitution:

- (i) The Agricultural Produce (Grading & Marking) Acts 1928-1931
- (ii) Agricultural (Miscellaneous Provisions) Act 1968
- (iii) Control of Pollution Act 1974
- (iv) Horse Passport Regulations 2009
- (v) Poisons Act 1972
- (vi) Transport Act 1968
- (vii) Road Traffic (Foreign Vehicles) Act 1972

2.8.2 In addition, there is a mistake in the current delegation which needs to be corrected as follows:

- (i) Criminal Justice Act 1988 Part IX should be replaced by Part XI, which deals with the prohibition on the sale of knives to persons under 18.

2.8.3 The following legislation confers powers on the Council and it is proposed should that these should be added to the Constitution in paragraph 4, for the reasons stated:

- (i) Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020 - make provision restricting the sale of certain solid fuels, and provide for the enforcement of breaches of the Regulations by a county council.
- (ii) Birmingham Commonwealth Games Act 2020 Part 3 - Touting, advertising and trading offences enforced by the Council as Local Weights & Measures Authority. Warwickshire is hosting two games sites.
- (iii) Criminal Justice and Police Act 2001 – sections 50 and 52 confer powers of seizure additional to those specified in Schedule 1 to the Act, which

includes Trading Standards powers such as the Consumer Protection act 1987 and the Consumer Rights Act 2015.

(iv) Crossbows Act 1987 – covers sale of crossbows etc. to persons under the age of 18. These provisions can now be enforced by the Council as Weights and Measures Authority by virtue of section 64 of the Offensive Weapons Act 2019.

(v) Equine Identification (England) Regulations 2018 – replace the Horse Passport Regulations 2009.

(vi) Housing and Planning Act 2016, the Tenant Fees Act 2019 and The Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019 – the Council as Local Weights & Measures Authority has a duty to enforce these regulations and the prohibitions relating to landlords and letting agents under the Tenant Fees Act 2019 which permit certain tenant fees to be charged whilst prohibiting all others.

(vii) Knives Act 1997 – the Act covers the marketing of knives for combat purposes and can now be enforced by the Council as Weights and Measures Authority by virtue of section 64 of the Offensive Weapons Act 2019.

(viii) Legal Services Act 2017 – provides for enforcement by the Council as local Weights and Measures Authority of provisions relating to reserved legal activities.

(ix) Offensive Weapons Act 2019 - brought in underage sales provisions to stop sale of corrosive products to under 18s and for control of online sales and subsequent deliveries of knives to those under 18 years.

(x) Restriction of Offensive Weapons Act 1959 – now enforceable by the Council as Weights and Measures Authority by virtue of section 64 of the Offensive Weapons Act 2019

2.4 Powers and Duties – Paragraph 5

2.4.1. The suggested amendment includes wording intended to “future-proof” the delegation by including reference to re-enactments, or variations or extensions to existing legislation, to avoid the need to obtain a fresh delegation.

Financial implications

No financial implications

Environmental implications

No Environmental implications

Report Author	Ann Belcher/Lara Macnab
Assistant Director	Assistant Director for Communities
Lead Director	Strategic Director for Communities
Lead Member	Leader of the Council

Urgent matter?	<i>No</i>
Confidential or exempt?	<i>No</i>
Is the decision contrary to the budget and policy framework?	<i>No</i>

List of background papers
N/A

Members and officers consulted and informed
<p>Portfolio Holder – Councillor I Seccombe</p> <p>Corporate Board –</p> <p>Legal –</p> <p>Finance –</p> <p>Equality – n/a</p> <p>Democratic Services – Helen Barnsley</p> <p>Councillors – n/a</p> <p>Local Member(s): n/a</p>

Trading Standards –Strategic Director for Communities

1.	<p>To issue, renew, suspend and revoke registrations and licences, on behalf of the council in relation to petroleum storage and explosive storage and sales under the Acts listed, and/or any Regulations, Orders, Rules, Directives made under them, or any Act amending, varying, extending or re-enacting the same.</p> <p>To collect charges and fees in relation to issuing, varying and renewal of registrations and licences on behalf of the council.</p>	<p>Performing Animals (Regulation) Act 1925 European Union (Withdrawal) Act 2018 as it continues to give effect to legislation made under the European Communities Act 1972 which the council has a duty to enforce, including the Explosives Regulations 2014; Health & Safety at Work etc Act 1974 - the Petroleum (Consolidation) Regulations 2014; Fireworks Act 2003</p>	Non-executive
2.	<p>To record, suspend and revoke registrations, declarations and approvals, on behalf of the council in relation to animal feed under the Acts listed and/or any Regulations, Orders, Rules, Directives made under them, or any Act amending, varying, extending or re-enacting the same</p> <p>To collect fees in relation to approvals and amendments to approvals on behalf of the council.</p>	<p>European Union (Withdrawal) Act 2018 as it continues to give effect to legislation made under the European Communities Act 1972 which the council has a duty to enforce Animal Feed (Hygiene, Sampling etc and Enforcement)(England) Regulations 2015</p>	Non-executive
3.	<p>To issue, vary, suspend and revoke any animal movement licence, permit or authorisation, on behalf of the council under the Acts listed and/or any Regulations, Orders, Rules, Directives made under them, or any Act amending, varying, extending or re-enacting the same, including any Regulations, Orders or Rules made under them.</p>	<p>Animal Health Act 1981 Disease Control (England) Order 2003</p>	Non-executive
4.	<p>To institute legal proceedings and to appear on behalf of the council before any court of summary jurisdiction in any proceedings brought under the Acts listed and/or any Regulations, Orders, Rules, Directives made under them, or any Act amending, varying, extending or re-enacting the same</p> <p>To carry out all the enforcement powers, investigations and statutory duties of the council under the Acts listed, and/or any Regulations, Orders, Rules, Directives made under them, or</p>	<p>Administration of Justice Act 1970; Agriculture Act 1970; Animal By-products (Enforcement) (England) Regulations 2013 Animal Feed (Hygiene, Sampling, etc. & Enforcement) (England) Regulations 2015 Animal Health Act 1981; Animal Health and Welfare Act 1984 Animal Welfare Act 2006;</p>	

	<p>any Act amending, varying, extending or re-enacting the same.</p> <p>To exercise the powers and statutory duties of the council to appoint suitably qualified and competent officers including to appoint a chief inspector of weights and measures, inspectors, authorised officers and authorised persons to enforce all or part of the listed legislation and/or any Regulations, Orders, Rules, Directives made under them, or any Act amending, varying, extending or re-enacting the same.</p>	<p>Animals Act 1971; Animals & Animal Products (Examination for Residues & Maximum Residue Limits) (England & Scotland) Regulations 2015 Anti-Social Behaviour Act 2003 - section 54; Apprenticeships, Skills, Children & Learning Act 2009, Avian Influenza (Preventative Measures) (England) Regulations 2006 Beef and Veal Labelling Regulations 2010 Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 Business Protection from Misleading Marketing Regulations 2008 Cancer Act 1939; Cattle Identification Regulations 2007 Children and Families Act 2014; Children and Young Persons Act 1933; Children and Young Persons (Protection from Tobacco) Act 1991; Clean Air Act 1993 – Part IV; Climate Change Act 2008; Companies Act 2006; Consumer Credit Act 1974; Consumer Protection Act 1987; Consumer Protection from Unfair Trading Regulations 2008 Consumer Rights Act 2015; Copyright, Design & Patents Act 1988; Counter Terrorism Act 2008 Criminal Justice Act 1988 – Part IX; Criminal Justice and Police Act 2001; Dangerous Dogs Act 1991 Dogs Act 1906; EC Fertilisers (England and Wales) Regulations 2006 Education Reform Act 1988 Part IV;</p>	
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		<p>Energy Act 1976 & 2011 Part 1); Enterprise Act 2002; Environmental Protection Act 1990;</p> <p>Estate Agents Act 1979;</p> <p>European Union (Withdrawal) Act 2018 as it continues to give effect to legislation made under the European Communities Act 1972 which the council has a duty to enforce;</p> <p>Explosives Act 1875; Fireworks Act 2003;</p> <p>Food and Environment Protection Act 1985; Food for Specific Groups (Information and Compositional Requirements)(England) Regulations 2016;</p> <p>Food Safety Act 1990; Food Safety and Hygiene (England) Regulations 2013</p> <p>Forgery and Counterfeiting Act 1981;</p> <p>Fraud Act 2006; Genetically Modified Organisms (Traceability and Labelling) (England) Regulations 2004</p> <p>Hallmarking Act 1973;</p> <p>Health Act 2006;</p> <p>Health and Safety At Work etc. Act 1974;</p> <p>Housing and Planning Act 2016;</p> <p>Intellectual Property Act 2014</p> <p>Knives Act 1997;</p> <p>Legal Services Act 2007;</p> <p>Licensing Act 2003;</p> <p>Malicious Communication Act 1988;</p> <p>Medicines Act 1968;</p> <p>Motor Cycle Noise Act 1987;</p> <p>Offensive Weapons Act 2019;</p> <p>Official Controls (Animals, Feed and Food) (England) Regulations 2006</p> <p>Official Feed and Food Controls (England) Regulations 2009</p> <p>Olympic Symbol etc. (Protection Act) 1995;</p> <p>Organic Products Regulations 2009;</p> <p>Osteopaths Act 1993;</p>	
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		Pesticides (Maximum Residue Levels) (England and Wales) Regulations 2008; Performing Animals (Regulation) Act 1925; Petroleum (Consolidation) Regulations 2014; Prices Act 1974; Products of Animal Origin (Disease Control) (England) Regulations 2008; Protection of Animals Act 1911; Psychoactive Substances Act 2016; Public Health Acts 1936 & 1961; Registered Designs Act 1949; Regulatory Enforcement Sanctions Act 2008; Road Traffic Acts 1988 & 1991; Road Traffic Offenders Act 1988; Tenant Fees Act 2019; Theft Act 1968; Tobacco Advertising and Promotions Act 2002; Tobacco and Related Products Regulations 2016; Trade Descriptions Act 1968; Trade in Animals and Related Products Regulations 2011; Trade Marks Act 1994; Transport Act 1968; Unsolicited Goods and Services Act 1971; Unsolicited Goods and Services (Amendment) Act 1975; Video Recordings Act 1984; Vehicle (Crime) Act 2001; Weights and Measures Act 1985	
5.	<p>To consult with a person against whom an enforcement order might be made and to accept an undertaking in respect of any actual or prospective infringement of specified consumer legislation.</p> <p>To co-operate with a community enforcer and to exercise the powers of the council as a general enforcer and CPC enforcer under the Enterprise Act 2002 and/or any Regulations, Orders, Rules, Directives made under it, or any</p>	Enterprise Act 2002	Executive

	<p>Act amending, varying, extending or re-enacting the same</p> <p>To carry out all the enforcement powers, investigations and statutory duties of the council under the Enterprise Act 2002 and/or any Regulations, Orders, Rules, Directives made under it, or any Act amending, varying, extending or re-enacting the same including to institute proceedings in the courts</p>		
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SECTION 10 – DELEGATIONS TO OFFICERS

LOCAL GOVERNMENT ACT 1972: SECTIONS 100 G(2) AND 101 LOCAL GOVERNMENT ACT 2000: SECTION 15

[Throughout this document reference to “The Act of 1972” will be reference to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 or any other statutory enactment.]

The tables in the following sections below list the powers and duties delegated to officers by the council and the executive. Local choice functions are not separately identified, they are included as either an executive or non-executive function depending on whether or not the function has been allocated to the executive.

PART A: GENERAL DELEGATIONS TO STRATEGIC DIRECTORS AND CHIEF EXECUTIVE or their nominees

1. Any member body or executive member may delegate their powers to the Chief Executive and /or Strategic Directors subject to any statutory restriction and the General Scheme of Delegation in Part 2 Section 1 of this Constitution.
2. Statutory officers i.e. head of paid service, the monitoring officer, the chief finance officer, the director of public health and any other proper officer or holder of any statutory role may exercise those statutory powers which are necessary to fulfil their statutory roles.
3. Any officer to whom powers have been delegated shall be authorised to further delegate any of their powers to their nominee's subject to any statutory prohibition or express restriction within the delegation itself.
4. The Council and Leader have delegated the following general powers to the Chief Executive and Strategic Directors who in turn have delegated these to Assistant Directors or their nominees in relation to services or functions for which they are responsible:
 - Taking and implementing decisions on matters relating to day to day administration
 - Taking and implementing decisions to maintain the operation and effectiveness of services or functions
 - Taking any necessary decisions incidental to policy decisions that have been taken by elected members
 - To determine the appointment, promotion and salary levels of the council's employees and other conditions of service matters in accordance with the council's grading structure and policy guidelines (other than in respect of the Statutory Officer roles and the appointment of the Chief Executive, Strategic Directors and Assistant Directors which are subject to specific delegations and constitutional requirements)
 - To write off as irrecoverable sums due to the Council up to the limit of £1000

- To obtain all necessary tenders and completion of contracts to give effect to the agreed revenue budget and capital programme, subject to compliance with Contract Standing Orders, Financial Regulations and the key decision regime.
 - To prepare reports for member bodies or executive members that comply with the access to information regime, the Council's standing orders and any other legal requirements
 - To approve requests for ex gratia payments to complainants up to £1000 in relation to upheld complaints where a financial remedy is appropriate.
5. Any officer delegating powers to other officers may at any time prior to the exercise of that power in relation to a particular matter withdraw that delegation.
 6. Any officer exercising delegated powers is obliged to comply with any prescriptive legal duties on the Council and ensure that the implementation of policy complies with legal requirements.
 7. The Council and the Leader have delegated the specific powers in Part B to the Chief Executive and the Strategic Directors or their nominees.
 8. The Chief Executive, Strategic Directors and Assistant Directors shall be responsible for ensuring that his/her list of delegated powers is kept up to date and appropriate authority obtained from the relevant member body to any changes.

Statutory Officers

Statutory Officer	Post Held
Head of Paid Service	Chief Executive
Monitoring Officer	Assistant Director for Governance & Policy
Chief Finance Officer	Strategic Director for Resources
Proper Officer Registration Services	Assistant Director for Business & Customer Support Services
Proper Officer for all other purposes	Chief Executive

PART B: SPECIFIC DELEGATIONS TO STRATEGIC DIRECTORS**10.1 Chief Executive and Strategic Directors:**

CHIEF EXECUTIVE, STRATEGIC DIRECTORS or their nominees			
	Powers and duties	Statutory Reference	Function Type
1	The strategic director originating the report or, in the case of a joint report, the first named strategic director, to decide what are the background papers used or referred to in the preparation of the report, to list the background papers on the report and to make a copy of the background papers available for public inspection.	Sections 100 D(1)(a) and 100 D(5)(a), The Act of 1972; Regulations 6 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 as amended; Local Government (Access to Information) Variation Order 2006	Non-executive - reports to the full council and its committees Executive - reports to cabinet, its committees and officer key decisions
2	The strategic director proposing to take a report to a member body in respect of a key decision or strategic director proposing to take a key decision is responsible for giving prior notice of that decision to the monitoring officer in accordance with the Access to Information Regime.	Regulations 14 to 16, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Executive - reports to cabinet and its committees or other member bodies making key executive decisions
3	The strategic director prior to taking a key decision is responsible for making any reports received available for public inspection unless it would disclose confidential or exempt information as defined in the Access to Information Regime.	Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Executive
4	The strategic director immediately after making a key decision is responsible for producing a written statement setting out the decision, the reasons for the decision, any options considered or rejected, any reports taken into account, any interest declared by a member consulted in respect of the decision and any dispensation granted by the standards committee and sending the written statement and any reports taken into account to the monitoring officer who will make the written statement and any accompanying reports available for public inspection unless it would disclose confidential or exempt information.	Regulation 4, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000; Regulations 5 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Executive
5	No strategic director or any person nominated by them shall make a key decision which does not comply with the Access to Information Regime.	Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 as amended	Executive
6	Reports by strategic directors referring to the finances of the council shall not be circulated to members without consultation with the Chief Finance Officer.	Section 151, The Act of 1972	Executive or non-executive depending on the context
7	Responsibility for ensuring that financial regulations, finance rules and financial instructions are observed throughout the departments under their control.	Section 151, The Act of 1972	Non-executive

CHIEF EXECUTIVE, STRATEGIC DIRECTORS or their nominees (cont'd)			
	Powers and duties	Statutory Reference	Function Type
8	Responsibility to notify the strategic director for resources of all officers designated to certify and authorise invoices for payment together with specimen signatures	Section 151, The Act of 1972	Non-executive
9	Responsibility for ensuring accurate and prompt input of payments data to the creditor's payments system.	Sections 111 and 151, The Act of 1972	Executive or non-executive depending on the context
10	Responsibility to collect all income as detailed in the appropriate revenue budgets.	Sections 111 and 151, The Act of 1972	Executive
11	With the approval of the strategic director for resources and after consultation with the chair of the cabinet, to agree to the council incurring revenue expenditure for which there is no provision in any vote in the annual or supplementary estimates approved by the council or to agree reduced income, where it is not possible to obtain the necessary approval in accordance with the normal committee procedures because of urgency, provided: (i) the expenditure can be met from within the earmarked reserves of the directorate concerned; and (ii) any requirements of the Access to Information Regime are met. Any proposal to spend beyond the directorates earmarked reserves shall be referred to the full council.	Sections 101, 111 and 151, The Act of 1972; Section 9E, Local Government Act 2000; Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000; Local Authorities (Functions and Responsibilities) (England) Regulations 2000	Executive or non-executive depending on the context
12	Responsibility to render promptly official invoices for sums due to the council and to notify the strategic director for resources of appropriate details.	Section 151, The Act of 1972	Executive or non-executive depending on the context
13	Responsibility to comply with contract standing orders and ensure every contract and variation to a contract is executed in writing and, in relation to capital contracts where the variation involves a material alteration or extension of the scope of the contract, whether or not the cost can be met within the contract to obtain the prior agreement of the strategic director for resources.	Sections 111, 135 and 151, The Act of 1972 and any other relevant enactment	Executive or non-executive depending on the context

10.2 Chief Executive

CHIEF EXECUTIVE or his/her nominees			
	Powers and duties	Statutory Reference	Function Type
1	To act as the proper officer for the purposes of any functions conferred on the council except those functions expressly delegated to other officers	The Act of 1972 and any other enactment conferring functions on the council	Executive or non-executive depending on the context
2	To act as the head of paid service of the council.	Section 4, Local Government & Housing Act 1989	Non-executive
3	To act as the returning officer for elections of county councillors.	Section 35, Representation of the People Act 1983	Non-executive
4	To receive and/or witness declarations of acceptance of office.	Section 83, The Act of 1972	Non-executive
5	To receive resignations of members of the council.	Section 84, The Act of 1972	Non-executive
6	To convene meetings of the council to fill a vacancy in the office of chairman.	Section 88, The Act of 1972	Non-executive
7	To receive notice of a casual vacancy from two local government electors.	Section 89(1)(b), The Act of 1972	Non-executive
8	To sign the summons to members to attend council meetings.	Schedule 12, The Act of 1972	Non-executive
9	To sign the summons to members to attend meetings of the executive.	Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Executive
10	To receive and deal with documents relating to elections.	Local Elections (Principal Areas) Rules 1986	Non-executive
11	To review the scale of fees for the conduct of elections before each county council quadrennial election to ensure that they are comparable with those paid by the Warwickshire District Councils.	Section 36, Representation of the People Act 1983; Section 111, The Act of 1972	Non-executive
12	To approve the payment of any future revised maxima notified in respect of members' allowances.	Sections 173 to 178, The Act of 1972; Section 18, Local Government & Housing Act 1989	Non-executive
13	Together with the Strategic Director Resources review members' quarterly postage and stationery allowances annually in line with changes in the retail price index and to review the initial members' allowance after each quadrennial election on the same basis.	Sections 173 to 178, The Act of 1972; Section 18, Local Government & Housing Act 1989	Non-executive
14	Authority to receive money from officers accountable for it.	Section 115, The Act of 1972	Non-executive
15	To issue certificates and make statutory declarations concerning the transfer of securities held by the council.	Section 146, The Act of 1972	Executive

CHIEF EXECUTIVE or his/her nominees (cont'd)			
	Powers and duties	Statutory Reference	Function Type
16	To affix the common seal of the council to any document required to give effect to decisions of the council, any member body or officer acting with delegated powers.	Sections 111 and 135, The Act of 1972	Executive or non-executive depending on the context
17	To receive and deal with applications from Ordnance Survey for assistance in preparation of Ordnance Survey maps.	Section 191, The Act of 1972	Executive
18	To receive documents to be held in the custody of the council.	Section 225, The Act of 1972	Executive or non-executive depending on the context
19	To certify photographic copies of documents.	Section 229, The Act of 1972	Executive or non-executive depending on the context
20	To authenticate documents.	Sections 234 and 238, The Act of 1972	Executive or non-executive depending on the context
21	To send copies of bylaws to district councils.	Section 236, The Act of 1972	Non-executive
22	To institute, prosecute or to defend, compromise or to appear in any legal proceedings.	Section 222, The Act of 1972 and any other enactment conferring powers on the council	Executive or non-executive depending on the context
23	To act as the authorised representative of the council in respect of all companies of which the council is, or may become, a member or a shareholder.	Section 323, Companies Act 2006	Executive or non-executive depending on the context
24	To approve, after consultation with the chair of the staff and pensions committee and chair of the cabinet, voluntary redundancies where it is in the council's interest to allow the employee concerned to retire early (or otherwise take voluntary redundancy on the council's usual terms) and there would be a net financial cost to the authority in doing so.	Section 112, The Act of 1972	Non-executive
25	Subject to policy guidelines laid down by the council, to approve proposals on personnel matters from employing departments and, in respect of proposals not falling within the guidelines, to exercise his/her discretion to approve the proposals.	Section 112, The Act of 1972	Non-executive
26	To select members from a pool of members to form the appointments and disciplinary appeals sub-committees as and when required.	Sections 101 and 111, The Act of 1972	Non-executive
27	To take all necessary steps to establish the independent remuneration panel, appoint the members of the panel, agree their terms and conditions and arrange any meetings of the panel	Section 18, Local Government & Housing Act 1989; Sections 100 and 105, Local Government Act 2000; Local Authorities (Members' Allowances) (England) Regulations 2003	Non-executive

CHIEF EXECUTIVE or his/her nominees (cont'd)			
	Powers and duties	Statutory Reference	Function Type
28	Duty to publish notice if proposals relating the changing governance arrangements are not approved in referendum.	Section 33K (6), Local Government Act 2000	Non-executive
29	To determine disputes on terms and conditions satisfactory to the strategic director for resources under the LGPS Pension Disputes Resolution Procedures on behalf of the administering authority and to nominate appropriate persons to deal with the first instance decisions and adjudications on behalf of the administering authority.	Section 50, Pensions Act 1995	Non-executive
30	All the functions of the County Council under the Health Protection (Coronavirus, Restrictions) (No. 3) (England) Regulations 2020 (any future modification or re-enactment thereof) (other than any power to prosecute) being powers to curtail the incidence or spread of Coronavirus	Health Protection (Coronavirus, Restrictions) (No. 3) (England) Regulations 2020	Executive

10.3 Strategic Director for Resources

STRATEGIC DIRECTOR FOR RESOURCES or his/her nominees shall have the following powers and duties other than those of the Monitoring Officer in Article 7.3			
Governance			
	Powers and duties	Statutory Reference	Function Type
1	To decide which reports to be considered by a committee are not likely to be considered in public, to mark them " <i>not for publication</i> " and to identify the category of exempt or confidential information they contain.	(a) Section 100 B(2), The Act of 1972; Local Government (Access to Information) Variation Order 2006 (b) Regulation 11, Local Authorities (Executive Arrangements) Access to Information (England) Regulations 2000	(a) Non-executive (b) Executive
2	To make the written statement and any accompanying reports relating to officer key decisions available for public inspection unless it would disclose confidential or exempt information.	Regulations 5 and 21, Local Authorities (Executive Arrangements) Access to Information (England) Regulations 2000	Executive
3	To supply to the press on request, and at his/her discretion, copies of documents which are supplied to committees, but which are not included in the report(s) with the agenda.	(a) Section 100 B(2), The Act of 1972; (b) Regulations 11 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	(a) Non-executive (b) Executive

STRATEGIC DIRECTOR FOR RESOURCES or his/her nominees (cont'd)			
Governance (cont'd)			
	Powers and duties	Statutory Reference	Function Type
4	To make a written summary of the proceedings at a meeting when it is not open to the public in such a way as to form a reasonably fair and coherent record of proceedings without disclosing confidential or exempt information.	(a) Section 100 C(2), The Act of 1972; (b) Regulations 3 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	(a) Non-executive (b) Executive
5	To decide which documents, bearing in mind exempt or confidential information requirements, in the possession of the cabinet or any committee relating to business to be transacted at a meeting but not included with the agenda for the meeting shall be open to inspection by members of the council who may be entitled to see them under their common law rights or other rights. Any dispute about their rights will be referred to the appropriate member body.	(a) Section 100 F(2), The Act of 1972; (b) Regulations 17, 18 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	(a) Non-executive (b) Executive
6	To decide which documents, bearing in mind confidential or exempt information requirements, in the possession of an officer relating to key decisions shall be open to inspection by members of the council who may be entitled to see them. Any dispute about their rights will be referred to the cabinet.	Regulations 17, 18 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Executive
7	To receive and record notices of financial interest from members.	Section 96, The Act of 1972	Non-executive
8	To receive on deposit lists of protected buildings.	Section 2, Planning (Listed Buildings & Conservation Areas) Act 1990	Executive
9	To write off as irrecoverable sums due to the council up to a limit of £2000, to revise that limit each year to the nearest £25 in line with changes in the applicable retail price index.	Sections 111 and 151, The Act of 1972	Executive
10	To institute, prosecute or to defend, compromise or to appear in any legal proceedings.	Section 222, The Act of 1972 and any other enactment conferring powers on the council	Executive or non-executive depending on the context
11	To complete and authenticate any document and take any other step in order to give effect to a decision of the council (whether made by a member body or an officer).		Executive or non-executive depending on the context
12	To exercise the powers of the council under the listed provisions in addition to instigating proceedings for possession of land in the county court, such powers to be exercised following a request from the appropriate director.	Sections 77, 78 and 79, Criminal Justice & Public Order Act 1994 as amended	Executive
13	To obtain information as to interests inland and the particulars of persons interested in land.	Section 330, Town and Country Planning Act 1990; Section 16 Local Government (Miscellaneous Provisions) Act 1976	Non-executive

STRATEGIC DIRECTOR FOR RESOURCES or his/her nominees (cont'd)			
Governance (cont'd)			
	Powers and duties	Statutory Reference	Function Type
14	To sign, to issue and to serve notices on behalf of the council in relation to highways and public rights of way.	Highways Act 1980; Rights of Way Act 1990; Wildlife and Countryside Act 1981; Road Traffic Regulation Act 1984; Cycle Tracks Act 1984; New Roads and Street Works Act 1991; Clean Neighbourhood & Environment Act 2005; and any other enactment conferring functions on the council	Executive or non-executive depending on the context
15	To enter agreements in relation to the execution of highway works or improvements and agreements regulating development or use of land.	Sections 184 and 278, Highways Act 1980; Section 106, Town & Country Planning Act 1990	Non-executive
16	To enter into agreements for the future maintenance of roads provided by developers.	Section 38, Highways Act 1980	Non-executive
17	To determine applications for certificates of lawful use or development or proposed use or development.	Sections 191 and 192, Town & Country Planning Act 1990	Non-executive
18	To take action by way of Planning Contravention Notices, Breach of Condition Notices, Enforcement Notices, Stop Notices and Temporary Stop Notices.	Section 171C, 171E, 172, 187A, 187B and 183(1), Town & Country Planning Act 1990	Non-executive
19	In consultation with the chief fire officer: (i) to exercise the council's powers of inspection and enforcement; (ii) to issue all notices and licences; and (iii) to institute legal proceedings in relation to the listed enactments.	Fire Precautions Act 1971; Safety of Sports Grounds Act 1975; Fire Safety & Safety of Places of Sport Act 1987; Regulatory Reform Act 2001 and any Orders, Regulations or Directives made amending, varying, extending or re-enacting the same.	Non-executive
20	To prosecute for causing nuisance or disturbance on educational premises.	Section 40, Local Government (Miscellaneous Provisions) Act 1982	Executive
21	To appoint members as required from time to time to hear school admission and exclusion appeals and to constitute panels of 3 or 5 as required.	Part III, School Standards & Framework Act 1998	Non-executive
22	To amend the constitution to reflect any changes made by the council, its subsidiary bodies or the leader or cabinet to ensure the constitution remains up to date.	Section 37, Local Government Act 2000	Executive or non-executive as appropriate

23	To update the constitution to reflect changes where delegation of powers has been made under particular legislation which has been repealed / amended and substantially re-enacted / amended in new legislation.	Section 37, Local Government Act 2000	Executive or non-executive as appropriate
24	To take any necessary steps to implement the agreed petitions scheme and operate the scheme in accordance with those arrangements, including deciding whether or not a petition meets the requirements of the scheme.	Sections 10 to 22, Local Democracy, Economic Development & Construction Act 2009	Non-executive
25	To make any arrangements as he/she considers necessary for terrorism cover, as and when such cover is available.	Section 111, The Act of 1972; Section 2, Local Government Act 2000	Executive
26	In relation to Pride in Camp Hill Limited: (i) to confirm to the board that the council has or will endeavour to get all necessary approvals, powers, etc., in order to comply with the terms; (ii) to notify other partners if the council becomes aware that another partner is in default; (iii) to select/agree an independent person (expert) in the case of deadlock; and (iv) to notify the company if the council believes the company or any group company has become subject to the influence of a local authority.	Section 2, Local Government Act 2000	Executive
27	In relation to Pride in Camp Hill Limited, jointly with the strategic director for communities: (i) to give consent to the appointment of directors other than partner directors;	Section 2, Local Government Act 2000	Executive
	(ii) to agree to the WCC director not being on a committee/sub-committee of the company; and (iii) to demonstrate best endeavours to obtain the necessary consents for Dev1 to arrange for the transfer of freehold of Dev1.		
28	In relation to Pride in Camp Hill Limited to agree the company changing the accounting reference date.	Section 2, Local Government Act 2000	Executive
29	To develop and introduce a standard approach to race equality for contracts below £100,000 in value.	Section 2, Local Government Act 2000	Executive
30	To exercise overall management control of authorisations under RIPA and to make such alterations to the designations of authorising officers as he/she sees fit.	Regulation of Investigatory Powers Act 2000	Executive
31	Subject to any statutory restrictions, to determine fees that may be charged in respect of Freedom of Information requests.	Freedom of Information Act 2000	Executive
32	Duty to publish information about the Local Area Agreement.	Section 113, Local Government & Public Involvement in Health Act 2007	Non-executive

STRATEGIC DIRECTOR FOR RESOURCES or his/her nominees (cont'd)			
Governance (cont'd)			
	Powers and duties	Statutory Reference	Function Type
33	Responsibility for maintaining an internal audit service including visiting council establishments to conduct audits.	Section 151, The Act of 1972; Regulation 6, Accounts & Audit Regulations 2003	Non-executive
34	Authority to make representations in response to applications made under the Gambling Act 2005 (authority is also given to the strategic director for people and chief fire officer).	Gambling Act 2005	Executive
35	To exercise the powers of the council in relation to the provision of advice, training and support for school governors.	Sections 19(3) and 22, Educational Act 2002 and any associated legislation	Executive
36	To exercise the powers of the council in relation to the governance of schools jointly with the strategic director for people.	Education Act 1962; Education Act 1980; Education Act 1996; Education Act 1997; Education Act 2002; Education (Fees and Awards) Act 1983; Education Reform Act 1988; Employment & Training Act 1973; Further Education Act 1985; School Standards & Framework Act 1998; Schools Inspections Act 1996	Executive or non-executive depending on the context
Village Greens			
	Powers and duties	Statutory Reference	Function Type
1	Power to register land as a town or village green where the application is made by the owner of any land under section 15(8) of the Commons Act 2006.	Section 15(8), Commons Act 2006; Regulation 8, Commons (Registration or Town & Village Greens) (Interim Arrangements) (England) Regulations 2007	Non-executive
2	Functions relating to the registration of common land and town or village greens.	Part I, Commons Act 2006 (c.26); The Commons Registration (England) Regulations 2014 (S.I. 2014/3038)	Non-executive
3	Power to apply for an enforcement order against unlawful works on common land.	Section 41, Commons Act 2006	Non-executive
4	Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	Section 45(2)(a), Commons Act 2006	Non-executive
5	Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.	Section 45(2)(b), Commons Act 2006	Non-executive

Libraries, Heritage and Registration Services			
	Powers and duties	Statutory Reference	Function Type
1	To review the fixed fee, the per minute on-line charge and the printing charge in respect of commercial searches via the online information services operated through the council's libraries.	Public Libraries & Museums Act 1964; Section 150, Local Government & Housing Act 1989; The Library Charges (England & Wales) Regulations 1991	Executive
2	To agree any change in the charging structure for the sound recordings service operated through the council's libraries.	Public Libraries & Museums Act 1964; Section 150, Local Government & Housing Act 1989; The Library Charges (England & Wales) Regulations 1991	Executive
3	To review and to vary, where appropriate, the level of fines for the late return of books, fees for requests for books and charges for photocopies in order to achieve income targets established for the council's libraries.	Public Libraries & Museums Act 1964; Section 150, Local Government & Housing Act 1989; The Library Charges (England & Wales) Regulations 1991	Executive
4	To determine the scale of charges for the fax service available to the public at the Rugby and Warwick libraries in order to maintain it on a self- financing basis.	Public Libraries & Museums Act 1964; Section 150 Local Government & Housing Act 1989; The Library Charges (England & Wales) Regulations 1991	Executive
5	To make representations on behalf of library services relating to the formulation of local planning policies, including if necessary, attendance at inquiries and other proceedings.	Section 2, Local Government Act 2000	Executive
6	To exercise the functions of the council relating to the organisation of the registration services and to act as the proper officer for those services.	Registration Services Act 1953 as amended	Executive
7	To impose a reasonable charge for correspondence and searches made in response to genealogical enquiries at the Warwickshire County Record Office.	Public Libraries & Museums Act 1964; Section 150, Local Government & Housing Act 1989; The Library Charges (England & Wales) Regulations 1991	Executive
8	To make representations on behalf of the heritage and museum services relating to the formulation of local planning policies, including if necessary, attendance at inquiries and other proceedings.	Section 2, Local Government Act 2000	Executive
Property Management			
	Powers and duties	Statutory Reference	Function Type
1	To proceed with all building projects without reference to cabinet for approval of scheme design plans.	Section 111, The Act of 1972; Section 15, Local Government Act 2000	Executive
2	To appoint external professional consultants as required to deal with building development and property matters, appointments to be reported to the appropriate committee for information.	Section 1, Local Government (Contracts) Act 1997 or any other enactments conferring such powers	Executive

3	To authorise all sales at market value, purchases (except compulsory purchase) and appropriations of council land for different purposes where the consideration is no greater than £100,000.	Sections 120, 122 and 123, The Act of 1972 and any applicable statutory consents	Executive
4	To grant at market value and take up leases, easements and licences over council property or for the benefit of the council where the annual rent or fee consideration is no greater than £25,000.	Sections 120, 122 and 123, The Act of 1972 and any applicable statutory consents	Executive
5	To negotiate and authorise revised rentals or fees for existing leases, easements or licences at review dates in accordance with existing lease, easement or licence provisions.	Sections 111 and 123, The Act of 1972 and any applicable statutory consents	Executive
6	To seek development agreements, where necessary, in connection with the disposal of land on the council's industrial estates.	Section 123, The Act of 1972; Local Authorities (Land) Act 1963 and any applicable statutory consents	Executive
7	To make planning applications on behalf of the council.	Section 9E, Local Government Act 2000	Executive
8	To make applications on behalf of the council: (i) for planning permission for works for the alteration or extension of listed buildings; (ii) for listed building consent to the demolition, alteration or extension of listed buildings; and (iii) for the demolition of unlisted buildings in conservation areas.	Section 9E, Local Government Act 2000; Regulation 7(1)(a), Town & Country Planning General Regulations 1992; Regulation 3, Planning (Listed Buildings & Conservation Areas) Regulations 1990	Executive
Rural Estates			
	Powers and duties	Statutory Reference	Function Type
1	To sign agricultural tenancy agreements in respect of the smallholding's estate on behalf of the council.	Section 123, The Act of 1972 and applicable statutory consents	Executive
2	To appoint tenants to smallholdings subject to prior consultation with the panel of members established for this purpose.	Section 123, The Act of 1972 and applicable statutory consents	Executive
3	To authorise, within the council's smallholdings or country parks estate, all sales at market value, purchases (except compulsory purchase) and appropriations of council land for different purposes where the consideration is no greater than £100,000.	Sections 120, 122 and 123, The Act of 1972 and applicable statutory consents	Executive
4	To grant at market value and take up leases, easements, and licences over the council's smallholdings or country parks estate or for the benefit of the smallholdings or country parks estate where the annual rent or fee consideration is no greater than £25,000.	Sections 120, 122 and 123, The Act of 1972 and applicable statutory consents	Executive
5	To negotiate and authorise, in connection with the council's smallholdings or country parks estate, revised rentals for fees for existing leases, easements or licences at review dates in accordance with existing lease, easement or licence provisions.	Sections 120, 122 and 123, The Act of 1972 and applicable statutory consents	Executive
6	To grant at market value and take up leases, easements and licences over the council's business centre properties where the annual rent or fee consideration is no greater than £25,000.	Sections 120, 122 and 123, The Act of 1972 and applicable statutory consents	Executive

STRATEGIC DIRECTOR RESOURCES or his/her nominees (cont'd)			
Rural Estates (cont'd)			
	Powers and duties	Statutory Reference	Function Type
7	To negotiate and authorise in connection with the council's business centre properties revised rentals or fees for existing leases, easements or licences at review dates in accordance with existing lease, easement or licence provisions.	Sections 120, 122 and 123, The Act of 1972 and applicable statutory consents	Executive
Financial Management			
	Powers and duties	Statutory Reference	Function Type
1	Responsibility for reviewing the financial regulations from time to time and recommending to the audit and standards committee any amendment which he/she considers desirable.	Section 151, The Act of 1972	Non-executive
2	Responsibility for updating monetary sums included in the financial regulations from time to time by reference to the appropriate price indices.	Section 151, The Act of 1972	Non-executive
3	Responsibility the proper administration of the council's financial affairs.	Section 151, The Act of 1972	Non-executive
4	Responsibility for maintaining an internal audit services including visiting council establishments to conduct audits		
5	Responsible for ensuring that safe and efficient arrangements are made for the receipt and payment of money.		
6	Responsible for deciding the conditions under which imprest accounts are to be operated		
7	Responsibility for the overall supervision of any systems that involve the receipt or payment of money.	Section 151, The Act of 1972	Non-executive
8	Advising officers as necessary on financial arrangements	Section 151, The Act of 1972	Non-executive
9	To have access to all documents and books concerned with finance.	Section 151, The Act of 1972	Non-executive
10	Responsibility, in consultation with the monitoring officer and the strategic director concerned, for carrying out or supervising investigations into any suspected financial irregularities.	Section 151, The Act of 1972	Non-executive
11	Responsibility for amending estimates to take account of changes in pay and prices and agreeing cash budgets, where appropriate, to allow for expected price changes, to the extent that any increases can be met from the council's reserves under the control of the cabinet.	Section 151, The Act of 1972	Executive
12	Responsibility for raising loans and arranging such other financial facilities, e.g. leasing, as may be required, subject to the general direction of the cabinet.	Section 151, The Act of 1972 and any other enactment or provision conferring such powers on the council	Non-executive
13	Responsibility for the purchase and sale of investment of the council.	The Act of 1972 and any other enactment or provision conferring such powers on the council	Executive
14	Responsibility for the purchase and sale of investments of the superannuation fund.	Superannuation Act 1972	Non-executive
15	Responsibility for the temporary investment or utilisation of revenue balances.	Section 111 and 151, the Act of 1972	Executive
16	Responsibility for supervising the collection of money and for giving detailed instructions.	Section 151, The Act of 1972	Non-executive

STRATEGIC DIRECTOR RESOURCES or his/her nominees (cont'd)			
Financial Management (cont'd)			
	Powers and duties	Statutory Reference	Function Type
17	Responsibility for agreeing the form of income records kept by each department.	Section 151, The Act of 1972	Non-executive
18	Responsibility for the examination of accounts passed for payment and payment of those accounts.	Section 151, The Act of 1972	Non-executive
19	Responsibility for payments in respect of all liabilities falling to be discharged by the council which are not otherwise detailed in financial regulations.	Section 151, The Act of 1972	Executive or non-executive depending on the context
20	To dissolve the special reserve funds for the maintenance of buildings, library books, school meals and miscellaneous matters, to reduce, if necessary, the road maintenance reserve and to transfer the balances to the county fund to maximise the financial benefit to the council.	Section 41, Local Government & Housing Act 1989	Executive
21	Together with the Chief Executive to review members quarterly postage and stationery allowances annually in line with changes in the retail price index and to review the initial members' allowance after each quadrennial election on the same basis.	Section 173 to 178 the Act of 1972; Section 18 Local Government and Housing Act 1989	Non-executive
22	To take appropriate action annually to maximise the financial benefit to the Council when the accounts for the year in question are finalised	Section 111, 151 of the Act of 1972	Executive
23	To declare the rate of interest chargeable by the authority on loans for housing and other purposes.	Section 438, Housing Act 1985	Executive
24	To exercise the powers and duties set out in the Treasury Management Strategy	Section 151, The Act of 1972	Executive
25	Together with the strategic director for communities, to authorise the trading of landfill allowances pursuant to the Landfill Allowance Trading Scheme prior to any trade.		
26	With the approval of the strategic director for resources and after consultation with the chair of the cabinet, to agree to the council incurring revenue expenditure for which there is no provision in any vote in the annual or supplementary estimates approved by the council or to agree reduced income, where it is not possible to obtain the necessary approval in accordance with the normal committee procedures because of urgency, provided: (i) the expenditure can be met from within the earmarked reserves of the directorate concerned; and (ii) any requirements of the Access to Information Rules are met. Any proposal to spend beyond the directorates earmarked reserves shall be referred to the full council.	Sections 101, 111 and 151, The Act of 1972; Section 9E, Local Government Act 2000; Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000; Local Authorities (Functions and Responsibilities) (England) Regulations 2000	Executive or non-executive depending on the context
27	In relation to Pride in Camp Hill Limited: (i) to carry out any functions prior to adoption of the first business plan and cash flow; (ii) to agree to the company changing its accounting policies, principles or practices of the company; and (iii) to agree their annual accounts.	Section 2, Local Government Act 2000	Executive

STRATEGIC DIRECTOR RESOURCES or his/her nominees (cont'd)			
Financial Management (cont'd)			
	Powers and duties	Statutory Reference	Function Type
28	In relation to Pride in Camp Hill Limited, jointly with the strategic director for communities: (i) to receive quarterly the current cash flow, contribution account and minutes of meetings; and (ii) in the event of an early exit notice, attend a resolution meeting.	Section 2, Local Government Act 2000	Executive
Financial Administration			
	Powers and duties	Statutory Reference	Function Type
1	Responsibility for payment of salaries, wages, superannuation, compensation and other emoluments.	Section 151, The Act of 1972	Non-executive
2	Responsibility for the operation of the council's bank accounts in accordance with the banking agreement approved by the council and their bankers.	Section 151, The Act of 1972	Executive
3	Responsibility for ordering and controlling the issue of council cheques, including directions for their signing.	Section 151, The Act of 1972	Non-executive
4	To make all payments out of the superannuation fund on the certification of or on behalf of the appropriate director that the expenditure is authorised.	Superannuation Act 1972 and any enactment amending the same and any orders regulations	Non-executive
5	To make all payments out of the county fund on the certification of or on behalf of the appropriate director that the expenditure is authorised.	Section 111, The Act of 1972	Executive
6	Responsibility, in consultation with the directors concerned, for making imprest advances.	Section 151, The Act of 1972	Non-executive
7	Responsibility for the ordering, control and issue of all official receipt books, tickets and other similar documents.	Section 151, The Act of 1972	Non-executive
8.	Responsibility for prescribing the items to be included in inventories.	Section 151, The Act of 1972	Non-executive

STRATEGIC DIRECTOR FOR RESOURCES or his/her nominees (cont'd)			
Commissioning			
	Powers and duties	Statutory Reference	Function Type
1.	Responsibility for keeping a contract ledger in respect of all contracts showing the state of account between the council and each contractor.	Section 151, The Act of 1972	Non-executive
2.	Requirements to review at least every two years, and to revise if necessary, the figures included in contract standing orders having regard to changes in the appropriate index since the last review.	Section 151, The Act of 1972	Non-executive

10.4 Strategic Director for People

STRATEGIC DIRECTOR FOR PEOPLE or his/her nominees			
Adult Social Care			
	Powers and duties	Statutory Reference	Function Type
1	To make one-off grants not exceeding £1000 to voluntary organisations providing relevant services.	Section 65, Health Services & Public Health Act 1968	Executive
2	To make payments up to £1000 to disabled persons.	Section 2, Chronically Sick & Disabled Persons Act 1970	Executive
3	To approve the use of adult social care premises by other organisations when not required for adult social care purposes at charges that will cover any additional costs to the council.	Section 123, The Act of 1972; Section 65, Health Services & Public Health Act 1968	Executive
4	To act on behalf of the council in relation to its powers and duties in respect of guardianship.	Mental Health Act 1983	Executive
5	In consultation with the strategic director for resources, to vary the access policy relating to adult social care client case files within the overall policies of the council.	Data Protection Act 1998 and regulations and orders made thereunder	Executive
6	On or after 1 October 2002 to waive any charges for home care or other non-residential social services payable in whole or in part by: (i) any charge payer whose overall income does not exceed the appropriate basic level plus 25%; and (ii) any charge payer in receipt of more than 10 hours weekly home care following as assessment of income and disability costs.	Section 17, Health & Social Services & Social Security Adjudications Act 1983 or Care Act 2014	Executive
7	To act as the authorised officer for the purposes of the Learning Disability Partnership established under section 31 of the Health Act 1999.	Section 31, Health Act 1999; Section 2, Local Government Act 2000	Executive
8	To waive any charges payable in whole or in part from 1 April 2003 by any charge payer in receipt of home care and day care following an assessment of their income, capital and disability related expenditure.	Section 17, Health & Social Services & Social Security Adjudications Act 1983 or Care Act 2014	Executive
9	To act in relation to the implementation of the Care Act 2014 where such delegation is required either by regulation or as suggested in guidance received from the Department of Health subject to compliance with all policy decisions taken by the council.	Care Act 2014	Executive
10	To exercise the discretions set out in the council's deferred payments scheme.	Care Act 2014	Executive

STRATEGIC DIRECTOR FOR PEOPLE or his/her nominees (cont'd)			
Education			
	Powers and duties	Statutory Reference	Function Type
1	<p>In relation to persons under 19 years, to take and implement all necessary decisions, including the allocation of resources within approved estimates, so as to maintain the operation and effectiveness of all the education services for which the strategic director is responsible and which are statutorily covered by the listed principal Acts of Parliament and regulations arising thereunder.</p> <p>To exercise the powers of the council in relation to the governance of schools jointly with the joint managing director (resources).</p> <p>In exercising these powers, he/she is required to observe all policy decisions taken by the council and its relevant bodies.</p>	Academies Act 2010; Anti-Social Behaviour Act 2003; Childcare Act 2006; Children and Families Act 2014; Education & Inspections Act 2006; Education Act 1962; Education Act 1980; Education Act 1996; Education Act 1997; Education Act 2002; Education Act 2005; Education Reform Act 1988; Education (Fees & Awards) Act 1983; Employment & Training Act 1973; Further Education Act 1985; School Inspections Act 1996; School Standards & Framework Act 1998	Executive or non-executive depending on the context
2	To institute proceedings in relation to failures to secure the attendance of children at school or failures to comply with school attendance orders.	Sections 437 to 447, Education Act 1996	Executive
3	To take all necessary steps to discharge the council's responsibilities to secure the provision of full or part-time education and recreational, social and physical training for 16-19-year olds.	Sections 15A, 507 and 508, Education Act 1996	Executive
4	<p>To take all necessary steps to discharge the council's responsibilities to secure the provision of full and part-time education, social, recreational and/or physical training facilities for over-19-year olds.</p> <p>In exercising these powers, he/she is required to observe all policy decisions taken by the council and its relevant bodies.</p>	Sections 15B and 508, Education Act 1996	Executive
Children's Services			
	Powers and duties	Statutory Reference	Function Type
1	To make one-off grants not exceeding £1000 to voluntary organisations providing relevant services.	Section 65, Health Services & Public Health Act 1968	Executive
2	To revise annually pocket money allowance for looked after children in foster care or children's home in line with the retail price index.	Part III, Children Act 1989 and any regulations made thereunder	Executive
3	To make "exceptional needs" payments up to	Part III, Children Act 1989	Executive
	£1000 to local authority foster parents of looked after children.	and any regulations made thereunder	
4	To approve the making of capital loans, in a form and on terms agreed with the strategic director for resources, to local authority foster parents for housing extensions provided the resources are available.	Section 23, Children Act 1989; Section 111, The Act of 1972; Section 2, Local Government Act 2000	Executive
5	To undertake the functions of the council as an adoption agency, subject to consultation where necessary with the adoption panel.	Section 9E, Local Government Act 2000; Adoption Act 1976; Adoption and Children Act 2002	Executive

STRATEGIC DIRECTOR FOR PEOPLE or his/her nominees (cont'd)			
Children's Services (Cont'd)			
	Powers and duties	Statutory Reference	Function Type
6	To appoint the members of the adoption panel other than the appointment of elected members of the council to serve on the panel.	Section 9E, Local Government Act 2000; Adoption Act 1976; Adoption and Children Act 2002	Executive
7	To update the adoption procedures within the overall policy and after consultation with the adoption panel.	Section 9E, Local Government Act 2000; Adoption Act 1976; Adoption and Children Act 2002	Executive
8	To institute and defend proceedings in relation to the care of children, the exercise of parental responsibility, provision of secure accommodation and wardship proceedings, and to intervene, where appropriate, in matrimonial, guardianship and special guardianship proceedings.	Section 111, The Act of 1972; Section 9E, Local Government Act 2000; Parts II, IV and V, Children Act 1989 as amended; Supreme Court Act 1981	Executive
9	To act on behalf of the council in relation to its powers and duties in relation to day care, child minders and private fostering.	Parts IX and X, Schedules 8 and 9, Children Act 1989	Executive
10	To make payments up to £1000 to support a child in need in exceptional circumstances.	Section 17, Children Act 1989	Executive
11	To act in relation to the implementation of all those provisions of the Children Act 1989 where such delegation is required either by regulation or as suggested in guidance received from the Department of Health.	Section 9E, Local Government Act 2000; Children Act 1989 and any regulations made thereunder; and guidance under Section 7 Local Authority Social Services Act 1970	Executive
12	In consultation with the strategic director for resources, the chair of the cabinet and relevant portfolio holder, to introduce charges under the Children Act 1989 in line with guidance from the Department of Health.	Section 29, in Part III of Schedule 2 Children Act 1989	Executive
13	On or after 1 January 2003 to determine any new applications for financial assistance by way of grant or loan and to grant waivers in whole or part of repayments under the revised Policy on Foster Carer Adaptations.	Section 23, Children Act 1989; Section 111, The Act of 1972; Section 2, Local Government Act 2000	Executive
14	In consultation with the strategic director for resources, to vary the access policy relating to children's services social care client case files within the overall policies of the council.	Data Protection Act 1998 and regulations and orders made thereunder	Executive
15	Authority to make representations in response to applications under the Licensing Act 2003 on behalf of the council as the children's services authority.	Licensing Act 2003	Executive
16.	Authority to make representations in response to applications made under the Gambling Act 2005 (authority is also given to the strategic director for resources and chief fire officer).	Gambling Act 2005	Executive

10.5 Strategic Director for Communities

STRATEGIC DIRECTOR FOR COMMUNITIES or his/her nominees (Cont'd)			
Fire and Rescue			
	Powers and duties	Statutory Reference	Function Type
1	To discharge the powers, duties and responsibilities of the council as a fire & rescue service, including in particular: (i) the promotion of fire safety; (ii) the extinguishment of fires and the protection of life and property; (iii) the rescue of persons from road traffic accidents; and (iv) responding to emergencies and other incidents likely to cause harm to persons or to the environment.	Fire & Rescue Services Act 2004 and any Fire & Rescue Service National Framework made by the Secretary of State under Section 21 of the Act and for the time being in force; Safety of Sports Grounds Act 1975; Fire Safety & Safety of Places of Sport Act 1987; Civil Contingencies Act 2004 and any Orders, Rules, Regulations or Directives made amending, varying, extending or re-enacting the same	Executive or non-executive depending on the context
2	To authorise in writing officers in the fire & rescue service to exercise emergency powers of fire prevention, fire-fighting or rescue including powers of entry on to premises, moving or breaking into vehicles, closure of highways, traffic regulation and restriction of access to premises and all supplementary statutory powers.	Section 44, Fire & Rescue Services Act 2004 and any Orders, Rules, Regulations or Directives made amending, varying, extending or re-enacting the same	Executive or non-executive depending on the context
3	To exercise the council's powers of inspection and enforcement to appoint officers in the fire & rescue service as inspectors and otherwise to authorise in writing officers in the fire & rescue service to exercise powers of entry on to premises, investigation, sampling and inspection and all supplementary powers and to issue all notices and licences in relation to the listed enactments.	Fire & Rescue Services Act 2004; Safety of Sports Grounds Act 1975; Fire Safety & Safety of Places of Sport Act 1987; Regulatory Reform (Fire Safety) Order 2005 and any Orders, Rules, Regulations or Directives made amending, varying, extending or re-enacting the same	Executive or non-executive depending on the context
4	To deal with all standard requests for secondary employment from uniformed personnel in accordance with the criteria laid down in the National Scheme of Conditions of Service and the department's appropriate service orders; requests only to be referred to the regulatory committee where the proposed secondary employment is of an exceptional nature and clearly requires special consideration.	Section 112, Local Government Act; Fire & Rescue Services Act 2004	Non-executive
5	Authority to make representations in response to applications under the Licensing Act 2003 on behalf of the council as fire authority.	Licensing Act 2003	Executive
6	Authority to make representations in response to applications made under the Gambling Act 2005 and in response to consultation on the Licensing Authorities licensing policies (authority is also given to the joint managing director (resources) and the strategic director for people.	Gambling Act 2005	Executive

STRATEGIC DIRECTOR FOR COMMUNITIES or his/her nominees			
Fire and Rescue (Cont'd)			
	Powers and duties	Statutory Reference	Function Type
7	To determine disputes on terms and conditions satisfactory to the strategic director for resources under the Firefighters' Internal Pension Dispute Resolution Procedures and to nominate appropriate persons to whom such disputes should be referred for a decision in the first instance.	Section 50, Pensions Act 1995	Non-Executive

STRATEGIC DIRECTOR FOR COMMUNITIES or his/her nominees			
Crime and Disorder			
	Powers and duties	Statutory Reference	Function Type
1	Responsibility for liaising with other responsible authorities in the formulations and implementation of a strategy for the reduction of crime and disorder and for combating the misuse of drugs.	Crime & Disorder Act 1998	Executive
Emergency Planning			
	Powers and duties	Statutory Reference	Function Type
1	To carry out the council's emergency planning functions including the assessment of risk of emergencies occurring and taking measures for preventing an emergency, dealing with its effects, giving advice or assistance to the public and taking any other action in connection with an emergency. To liaise with the West Midlands Regional Planning Board and other appropriate bodies in the development of such plans and their implementation.	Civil Contingencies Act 2004	Executive or non-executive depending on the context

STRATEGIC DIRECTOR FOR COMMUNITIES or his/her nominees			
Flood Risk Management			
	Powers and duties	Statutory Reference	Function Type
1	Power to serve notice on liable person failing to do any work in relation to any watercourse, bridge or drainage work (whether by way of repair, maintenance or otherwise) to do the necessary work with all reasonable and proper despatch.	Section 21(21), Land Drainage Act 1991	Executive
2	Power to do all such things as are necessary for that purpose and recover expenses reasonably incurred from the person liable to repair if the person fails, within seven days, to comply with a notice served on him under subsection (2) above.	Section 21(4) and (5), Land Drainage Act 1991	Executive
3	Duty to determine applications to erect any mill dam, weir or other like obstruction to the flow of any ordinary watercourse or raise or otherwise alter any such obstruction; or erect a culvert in an ordinary watercourse or alter a culvert in a manner that would be likely to affect the flow of an ordinary watercourse within two months.	Section 23 (1) to (4), Land Drainage Act 1991	Executive
4	Power to serve notice on person having power to remove any obstruction that is erected or raised or otherwise altered, or any culvert is erected or altered, in contravention of section 23 above requiring him to abate the nuisance within a period to be specified in the notice.	Section 24(1) and (2), Land Drainage Act 1991	Executive

STRATEGIC DIRECTOR FOR COMMUNITIES or his/her nominees (cont'd)			
Flood Risk Management (cont'd)			
	Powers and duties	Statutory Reference	Function Type
5	Power to take such action as may be necessary to remedy the effect of the contravention or failure; and recover the expenses reasonably incurred by doing so from the person acting in contravention of, or fails to comply with, any notice served under subsection (1).	Section 24(4), Land Drainage Act 1991	Executive
6	Power to serve notice on person owning or having control of the part of any ordinary watercourse that is in such a condition that the proper flow of water is impeded, requiring that person to remedy that condition.	Section 25, Land Drainage Act 1991	Executive
7	Duty to give effect to the order of the court where upon an appeal under this section a court varies or reverses any decision of a body which has served a notice under section 25.	Section 27(9), Land Drainage Act 1991	Executive
8	Power to do flood risk management works.	Section 14A, Land Drainage Act 1991	Executive
9	Power to do works for environmental benefit that could increase flooding (where the benefits outweigh the harmful consequences).	FWMA S39	Executive
10	Power of entry any land for the purpose of exercising any functions under this act at all reasonable times after producing a duly authenticated document showing authority.	Section 64, Land Drainage Act 1991	Executive
11	Power of entry without notice in an emergency.	Section 64(3), Land Drainage Act 1991	Executive
Trading Standards			
	Powers and duties	Statutory Reference	Function Type
1	To issue, renew, suspend and revoke registrations and licences, on behalf of the council in relation to petroleum storage, explosive storage and sales and performing animals under the Acts listed; including any Regulations, Orders or Rules made under them. To collect charges and fees in relation to issuing, varying and renewal of registrations and licences on behalf of the council.	Performing Animals (Regulation) Act 1925; European Communities Act 1972 – Explosives Regulations 2014; Health & Safety at Work, etc. Act 1974 – Petroleum (Consolidation) Regulations 2014; and Fireworks Act 2003	Non-executive
2	To record, suspend and revoke registrations, declarations and approvals, on behalf of the county council under the Act and Regulations listed. To collect fees in relation to approvals and amendments to approvals, on behalf of the council.	European Communities Act 1972; Animal Feed (Hygiene, Sampling, etc. and Enforcement) (England) Regulations 2015; Feed (Hygiene and Enforcement) (England) Regulations 2005	Non-executive
3	To issue, vary, suspend and revoke any animal movement licence, permit or authorisation, on behalf of the council under the Act and Regulations listed.	Animal Health Act 1971 - Disease Control (England) Order 2003	Non-executive

STRATEGIC DIRECTOR FOR COMMUNITIES or his/her nominees (cont'd)			
Trading Standards (cont'd)			
	Powers and duties	Statutory Reference	Function Type
4	<p>To institute legal proceedings and to appear on behalf of the council before any Court of Summary Jurisdiction in any proceedings brought under the legislation listed.</p> <p>To carry out all the enforcement powers, investigations and statutory duties of the county council under the legislation listed, and any Regulations, Orders, Rules, Directives made under them, or any legislation amending, varying, extending or re-enacting the same.</p> <p>To exercise the powers and statutory duties of the council to appoint suitably qualified and competent officers including chief inspector of weights and measures, inspectors, authorised officers and authorised persons to enforce all or any part of the listed legislation.</p>	<p>Administration of Justice Act 1970; Agricultural Produce (Grading & Marking) Acts 1928-1931; Agriculture Act 1970; Animal By-products (Enforcement) (England) Regulations 2013; Animal Feed (Hygiene, Sampling, etc. & Enforcement) (England) Regulations 2015; Animal Health & Welfare Act 1984; Animal Health Act 1981; Animal Welfare Act 2006; Animals & Animal Products (Examination for Residues & Maximum Residue Limits) (England & Scotland) Regulations 2015; Anti-Social Behaviour Act 2003 – Section 54; Apprenticeships, Skills, Children & Learning Act 2009;</p>	Executive or non-executive depending on the context
		<p>Avian Influenza (Preventative Measures) (England) Regulations 2006; Beef & Veal Labelling Regulations 2010; Biocidal Products & Chemicals (Appointment of Authorities & Enforcement) Regulations 2013); Business Protection from Misleading Marketing Regulations 2008; Cancer Act 1939; Cattle Identification Regulations 2007; Children & Families Act 2014; Children & Young Persons Act 1933; Children & Young Persons (Protection from Tobacco) Act 1991; Climate Change Act 2008; Clean Air Act 1993-Pt IV; Companies Act 2006; Consumer Credit Act 1974; Consumer Protection Act 1987; Consumer Protection from Unfair Trading Regulations 2008; Consumer Rights Act 2015;</p>	

STRATEGIC DIRECTOR FOR COMMUNITIES or his/her nominees (cont'd)			
Trading Standards (cont'd)			
	Powers and duties	Statutory Reference	Function Type
4	Cont'd	Copyright, Designs & Patents Act 1998; Counter Terrorism Act 2008; Criminal Justice Act 1988 - Part IX; Dangerous Dogs Act 1991; Dogs Act 1906; EC Fertilisers (England & Wales) Regulations 2006; Education Reform Act 1988-Part IV; Energy Act 1976 & 2011 (Part 1); Enterprise Act 2002; Environmental Protection Act 1990; Estate Agents Act 1979; European Communities Act 1972; Explosives Act 1875; Fair Trading Act 1973; Fireworks Act 2003; Food and Environment Protection Act 1985; Food for Specific Groups (Information & Compositional Requirements)(England) Regulations 2016; Food Safety Act 1990; Food Safety & Hygiene (England) Regulations 2013; Forgery & Counterfeiting Act 1981; Fraud Act 2006; Genetically Modified Organisms (Traceability & Labelling) (England) Regulations 2004; Hallmarking Act 1973; Health & Safety at Work etc. Act 1974; Health Protection (Coronavirus, Restrictions) (England) (No. 2) Regulations 2020 (other than any power to prosecute) Horse Passport Regulations 2009; Intellectual Property Act 2014; Intoxicating Substances (Supply) Act 1985; Licensing Act 2003; Malicious Communication Act 1988; Medicines Act 1968;	Executive or non-executive depending on the context

STRATEGIC DIRECTOR FOR COMMUNITIES or his/her nominees (cont'd)			
Trading Standards (cont'd)			
	Powers and duties	Statutory Reference	Function Type
4	(cont'd)	<p>Motor Cycle Noise Act 1987; Official Controls (Animals, Feed & Food) (England) Regulations 2006; Official Feed & Food Controls (England) Regulations 2009; Olympic Symbol etc (Protection) Act 1995; Organic Products Regulations 2009; Osteopaths Act 1993; Pesticides (Maximum Residue Levels) (England & Wales) Regulations 2008; Performing Animals (Regulation) Act 1925; Petroleum (Consolidation) Regulations 2014; Poisons Act 1972; Prices Act 1974; Products of Animal Origin (Disease Control) (England) Regulations 2008; Protection from Harassment Act 1997; Protection of Animals Act 1911; Protection of Animals (Amendment) Act 1954; Psychoactive Substances Act 2016; Public Health Act 1961; Registered Designs Act 1949; Regulatory Enforcement Sanctions Act 2008; Road Traffic Act 1988; Road Traffic Offenders Act 1988; Road Traffic (Foreign Vehicles) Act 1972; Theft Act 1968; Theft Act 1978; Tobacco Advertising and Promotions Act 2002; Tobacco and Related Products Regulations 2016; Trade Descriptions Act 1968; Trade in Animals & Related Products Regulations 2011; Trade Marks Act 1994; Transmissible Spongiform Encephalopathies (England) Regulations 2010; Transport Act 1968; Unsolicited Goods & Services Act 1971; Unsolicited Goods & Services (Amendment) Act 1975; Video Recordings Act 1984; Vehicle (Crime) Act 2001; Weights & Measures Act 1985</p>	Executive or non-executive depending on the context

STRATEGIC DIRECTOR FOR COMMUNITIES or his/her nominees (cont'd)			
Trading Standards (cont'd)			
	Powers and duties	Statutory Reference	Function Type
5	<p>To consult with a person against whom an enforcement order might be made and to accept an undertaking in respect of any actual or prospective infringement of specified consumer legislation.</p> <p>To co-operate with a community enforcer and to exercise the powers of the council as a general enforcer and CPC enforcer under the Enterprise Act 2002.</p> <p>To carry out all the enforcement powers, investigations and statutory duties of the council under the Enterprise Act 2002 including to institute proceedings in the courts under that Act.</p>	Enterprise Act 2002	Executive
Rights of Way, Traffic Regulation, Planning and Environment			
<p>The following powers and duties are delegated subject to the following provisos:</p> <p>a. legal proceedings may only be commenced with the consent of the strategic director for resources or his/her nominees; and</p> <p>b. the strategic director for resources or his/her nominees is the authorised officer for the purposes of completing the documentation and statutory procedures required to give effect to decisions made in exercise of functions marked *.</p>			
Rights of Way and Traffic Regulation			
	Powers and duties	Statutory Reference	Function Type
1	To request the traffic commissioner to impose traffic regulation conditions.	Transport Act 2000	Executive
2	Responsibility for providing school crossing patrols.	Part III, Road Traffic Regulation Act 1984	Executive
3	Respond on behalf of the council in relation to any proposal for development, highway works, or traffic management made or to be determined by another body.	Any legislation relevant to the responsibilities of the strategic director	Executive
4*	Exercise the functions of the council under the private street works code and the advance payments code.	Part XI, Highways Act 1980	Executive
5*	To make temporary road traffic orders and to propose the making of orders relating to road traffic, parking places and speed limits and, in the event of no objections being received, to make the orders.	Part I, II, IV and VI, Road Traffic Regulation Act 1984	Executive
6*	Stopping up or diversion of highways by magistrates.	Section 116, Highways Act 1980	Executive

STRATEGIC DIRECTOR FOR COMMUNITIES or his/her nominees (cont'd)			
Rights of Way and Traffic Regulation, (cont'd)			
	Powers and duties	Statutory Reference	Function Type
7*	To make Definitive Map Modification Orders, where evidence demonstrates the existence of a public right of way and to confirm any unopposed Definitive Map Modification Order.	Wildlife and Countryside Act 1981	Non-executive
8*	To make order in relation to cycle tracks and to confirm such orders if they are unopposed.	Section 3, Cycle Tracks Act 1984	Non-executive
9*	To make orders for the stopping up of public rights of way and, in the event of the orders being unopposed, to confirm them.	Sections 118, 118A and 118B, Highways Act 1980	Non-executive
10*	To make orders for the diversion of public rights of way and, in the event of the orders being unopposed, to confirm them.	Sections 119, 119A and 119B, Highways Act 1980	Non-executive
11*	To make orders for the compulsory creation of footpaths and bridleway and, in the event of the orders being unopposed, to confirm them.	Section 26, Highways Act 1980	Non-executive
12*	To exercise the functions of the council in relation to new roads and street works.	New Road and Street Works Act 1991	Executive
13	To grant extensions of time for making good the surface of footpath and bridleways.	Section 134, Highways Act 1980	Executive
14	To submit to other public path order making authorities the council's view in respect of proposed public path orders within or adjacent to Warwickshire.	Part III, Highways Act 1980	Executive
15*	To enter public path creation agreements.	Section 25, Highways Act 1980	Non-executive
16	To exercise any powers of enforcement in respect of any unlawful interference with the highway or its users, including powers to remove or remediate interference or to carry out works in default of compliance with any notice or other requirement.	Part IX, Highways Act 1980 and any other enactment or common law provision conferring such powers	Executive or non-executive depending on the context

STRATEGIC DIRECTOR FOR COMMUNITIES or his/her nominees (cont'd)			
Rights of Way and Traffic Regulation, (cont'd)			
	Powers and duties	Statutory Reference	Function Type
17	To exercise the functions of the council in relation to the following matters (including fixing and recovering charges):		Executive of non-executive depending on the context
(a)	providing and permitting services, amenities, recreation and refreshment facilities in the highway and related powers;	Part VIIA, Highways Act 1980	Executive
(b)	flagpoles, pylons and other structures on the highway;	Section 144, Highways Act 1980	Non-executive
(c)*	dropped kerbs;	Section 184, Highways Act 1980	Non-executive
(d)	skips;	Section 139, Highways Act 1980	Non-executive
(e)*	the planting of trees, shrub, plants or grass;	Section 142, Highways Act 1980	Non-executive
(f)	scaffolding;	Section 169, Highways Act 1980	Non-executive
(g)	building materials and making of excavations in streets;	Section 171, Highways Act 1980	Executive
(h)	hoardings during building works;	Section 172, Highways Act 1980	Executive
(i)*	the construction, alteration or use of buildings over highways;	Section 177, Highways Act 1980	Non-executive
(j)*	installation of apparatus;	Section 50, New Roads & Street Works Act 1991	Non-executive
(k)*	the pacing of rails, beams, pipes, cables, wires or similar apparatus over, along or across the highway;	Section 178, Highways Act 1980	Non-executive
(l)*	the construction of cellars under the street, etc.;	Section 179, Highways Act 1980	Non-executive
(m)*	the control of openings into cellars or vaults under streets and pavements, lights and ventilators.	Section 180, Highways Act 1980	Executive

STRATEGIC DIRECTOR FOR COMMUNITIES or his/her nominees (cont'd)			
Rights of Way and Traffic Regulation, (cont'd)			
	Powers and duties	Statutory Reference	Function Type
18*	<p>To propose the making of orders relating to minor road traffic orders provided that the local member does not object.</p> <p>A “minor traffic order” is one falling into one of the following categories: (i) no waiting at any time restrictions at junctions including waiting restrictions required for the safe and efficient operation of traffic signals; (ii) waiting restrictions on one or both sides of a length of road extending no greater than 50 metres on a principal road or 100 metres on a non-principal road, when measured along the centreline of the road; (iii) extension to a speed limit order on a length of road extending no greater than 50 metres on a principal road or 100 metres on a non-principal road, when measured along the centreline of the road; and (iv) any other traffic order designated by the strategic director for resources as such following consultation with the relevant overview and scrutiny committee.</p> <p>The maximum lengths of roads which come within the definition of “minor traffic order” apply to each separate proposal and not the total length of road covered by an order which may contain a number of proposals.</p>	Parts I and II, Road Traffic Regulation Act 1984	The definition of a “minor traffic order” will apply to new traffic orders and to amendments to existing traffic orders, including consolidation orders
19	To construct, alter or remove a cycle track provided that the local member does not object.	Section 65, Highways Act 1980	Executive
20	Agree modifications to the Memorandum of Participation in the Parking and Traffic Regulations Outside London Adjudication Joint Committee if, following consultation with the portfolio holder, he/she is satisfied that doing so has not	Part 6, Traffic Management Act 2004 (“the 2004 Act”); Sections 101(5), 102(1) (b) and 101(5B), The Act of 1972; Section 20, Local Government Act 2000; Local Authorities (Arrangements for the Discharge of Functions)	Executive
	Significant policy or budget implications.	(England) Regulations 2000; Local Authorities (Goods & Services) Act 1970	
21*	To propose the making, amendment and revocation of public spaces protection orders and, in the event of no objections or representations against the proposal being received, to make the orders.	Section 59 Anti-social Behaviour, Crime and Policing Act 2014	Executive

STRATEGIC DIRECTOR FOR COMMUNITIES or his/her nominees (cont'd)			
Rights of Way and Traffic Regulation, (cont'd)			
	Powers and duties	Statutory Reference	Function Type
22*	To exercise functions in relation to the transfer of roadway and footway lighting systems from lighting authorities.	Section 270, Highways Act 1980	Executive
23	To give consent to the placing of waste collection receptacles on a highway.	Section 46(5), Environmental Protection Act 1990	Executive
24	In consultation with the relevant cabinet member, to determine and publish local requirements as to the particulars and evidence accompanying planning applications.	Section 62(3), Town & Country Planning Act 1990; Articles 5(3) and 20(31), Town & Country Planning (General Development Procedure) Order 1995	Executive
STRATEGIC DIRECTOR FOR COMMUNITIES or his/her nominees (cont'd)			
Planning and Environment			
	Powers and duties	Statutory Reference	Function Type
<p>General – the delegated powers to grant planning permissions and/or determine planning applications include power to:</p> <ul style="list-style-type: none"> a. impose any condition, limitation or other restriction on any permission, approval or consent given in the exercise of those functions and to determine any other terms to which any such permission, approval or consent is subject; and b. do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of those functions; <p>and are subject to the proviso that an application for planning permission shall be referred to the regulatory committee for determination if the strategic director for communities or their nominee considers that any of the following circumstances apply:</p> <ul style="list-style-type: none"> i. the application is a departure from the development plan which would require referral to the Secretary of State before being granted; i. the application constitutes a major development as defined in Article 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and is accompanied by an environmental statement; i. the application is subject to four or more written objections on material planning grounds received during the statutory consultation period (in the case of a petition each signature shall count as one objection); . the application is subject to an objection from a statutory consultee identified in Schedule 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2010; . the application is one which should be refused; i. the strategic director for communities' responsibilities include any aspect of the management of the land or buildings to which the application relates; i. the application is required to be referred because notice of an interest has been given by a county councillor or by a relevant officer in accordance with the council's Planning Code of Practice; i. the application is subject to a request that it be referred to the regulatory committee made by a county councillor within whose constituency the application site or part of it is situated. 			

STRATEGIC DIRECTOR FOR COMMUNITIES or his/her nominees (cont'd)			
Planning and Environment (cont'd)			
	Powers and duties	Statutory Reference	Function Type
1*	Power to determine application for planning permission made by a local authority, alone or jointly with another person.	<u>Section 316</u> of the Town & Country Planning Act 1990 and the Town & Country Planning General Regulations 1992 (<u>SI 1992/1492</u>).	Non-executive
2	To respond to consultations from	Article 10, Town & Country Planning (General Development	Executive
	district councils under the listed provisions.	Procedure) Order 1995; Paragraph 7 of Schedule 1, Town & Country Planning Act 1990	
3	Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the <u>Town & Country Planning Act 1990 (c8)</u>	Non-executive
4.	Power to determine applications to develop land without compliance with conditions previously attached.	<u>Section 73</u> of the Town & Country Planning Act 1990	Non-executive
5.	Power to grant planning permission for development already carried out.	<u>Section 73A</u> of the Town & Country Planning Act 1990	Non-executive
6.	Power to decline to determine application for planning permission.	<u>Section 70A</u> of the Town & Country Planning Act 1990	Non-executive
7.	To administer applications under any planning legislation and to take any steps (including any steps in relation to environmental impact assessment) preparatory or incidental to the determination of any such application.	Part III, Town & Country Planning Act 1990; Town & Country Planning (General Development Procedure) Order 1995; Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999; Town & Country Planning General Regulations 1992; Town & Country Planning (Applications) Regulations 1988; Town & Country Planning (General Permitted Development) Order 1995 and any other relevant enactment	Non-executive
8	Responsibility for the administration of the council's powers relating to the management and disposal of waste.	Sections 45 to 63A, Environmental Protection Act 1990; Section 32, Waste Emissions Act 2003	Executive
9	To make applications: (i) for planning permission for works for the alteration or extension of listed buildings; (ii) for listed building consent to the demolition, alteration or extension of listed buildings; and (iii) for the demolition of unlisted buildings in conservation areas.	Section 9E, Local Government Act 2000; Section 82, Planning (Listed Buildings & Conservation Areas) Act 1990	Executive
10	Duties relating to the making of determinations of planning applications.	<u>Sections 69, 76 and 92</u> of the Town & Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town & Country Planning (General Development Procedure) Order 1995 (<u>SI1995/419</u>) and directions made thereunder	Non-executive

STRATEGIC DIRECTOR FOR COMMUNITIES or his/her nominees (cont'd)			
Planning and Environment (cont'd)			
	Powers and duties	Statutory Reference	Function Type
11	Power to determine application for planning permission made by a local authority, alone or jointly with another person.	<u>Section 316</u> of the Town & Country Planning Act 1990 and the Town & Country Planning General Regulations 1992 (<u>SI 1992/1492</u>)	Non-executive
12	Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active	Paragraph 2(6)(a) of <u>Schedule 2</u> to the Planning & Compensation Act 1991 (c 34); Paragraph 9(6) of <u>Schedule 13</u> to	Non-executive
	Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	the Environment Act 1995 (c 25); and Paragraph 6(5) of Schedule 14 to that Act	
13	To exercise or authorise any person to exercise any powers to enter land or premises, to require the provision of any information and to carry out any inspection, survey, sampling, testing, recording or other investigation in connection with any of his/her responsibilities.	Highways Act 1980; Town & Country Planning Act 1990; New Roads & Street Works Act 1990; Countryside & Rights of Way Act 2000 and any other enactment conferring relevant powers	Executive or Non-executive depending on the context
14	Together with the strategic director for resources to authorise the trading of landfill allowances pursuant to the Landfill Allowance Trading Scheme.		

STRATEGIC DIRECTOR FOR COMMUNITIES or his/her nominees (cont'd)			
Other Functions			
	Powers and duties	Statutory Reference	Function Type
1	In relation to Pride in Camp Limited: (i) to arrange for secondments of staff to the company; (ii) to make a loan of £250,000 for the Early Purchase Scheme; (iii) to make operating payments to the Board; (iv) to make provisions for £445,000 capital works for environmental improvements; (v) to approve additional expenditure up to the shortfall amount; (vi) to agree contribution account amounts; (vii) to demand payment of bank guarantee proportions if called upon; (viii) to provide notice that the council will not be attending a general meeting; and (ix) to state in writing to the other partners why consent to any item in Article 15 was not given.	Section 2, Local Government Act 2000	Executive
2	In relation to Pride in Camp Hill Limited, jointly with the strategic director for resources: (i) to give consent to the appointment of directors other than partner directors; (ii) to agree to the WCC director not being on a committee/sub-committee of the company; (iii) to demonstrate best endeavours to obtain the necessary consents for Dev1; and (iv) to arrange for the transfer of freehold of Dev1.	Section 2, Local Government Act 2000	Executive

3	In relation to Pride in Camp Hill Limited, jointly with the strategic director for resources: (i) to receive quarterly the current cash flow, contribution account, minutes of meetings; and (ii) in the event of an early exit notice, attend a resolution meeting.	Section 2, Local Government Act 2000	Executive
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Portfolio Holder Decision – Approval of the use of developer funds for design and development work associated with the proposed new All Through School in South Leamington/ Warwick

Portfolio Holder	Portfolio Holder for Finance and Property
Date of decision	9 July 2021
	Signed

Decision taken

The Portfolio holder for Finance and Property approve the additional to the Capital Programme of funds towards design and development work associated with the proposed new All Through School in South Leamington/ Warwick totalling £300,000 to be funded from section 106 receipts.

1.0 Reasons for decisions

- 1.1 In July 2019 Cabinet approved £250,000 from developer funding to allow work to commence on full design and all feasibility studies required for the delivery of the new provision and to inform the full costings for the proposed new All-Through school to the South of Leamington/ Warwick. This amount remains unspent to date.
- 1.2 Architects have been procured via a framework and are currently engaging with the WCC project team to undertake the design and development work, this is being undertaken in good faith in advance of formal appointment and WCC entering into the legal contract for the work. However, the terms of the procurement require that WCC enters a contract for the full value of the architect work up to RIBA stages 6 and 7, project handover and in use, and it is not an option to commission only the early work envisaged in 2019. The estimated value of a full commission is £550,000. This leaves a short fall of £300,000 against the existing funding approval.
- 1.3 The additional funding of £300,000 is required to ensure the design and development work is completed without delay and allowing full feasibility work to be completed and full project cost estimates to be produced to enable the submission of reports relating to the full capital funding requirements as outlined below. The addition of £300,000 will enable the architects to be commissioned but only part of this amount will need to

be spent in this financial year. Therefore, it is possible that pending a full report to Cabinet and Council on the full capital costs of the scheme some of the funding will be used to retain other consultants (such as a quantity surveyor, project manager and electrical and mechanical engineer) who are important to scheme development.

- 1.4 The Portfolio holder has delegated authority to add schemes to the Capital Programme where the value is less than £2,000,000 and the scheme is fully funded from external grants, developer contributions or from revenue. Funding from developer contributions can only be used for a limited range of purposes specified in the relevant agreement. The Infrastructure Planning Lead has confirmed that the use of the funding for these purposes is in accordance with the terms of the relevant section 106 obligations

2.0 Background information

- 2.1 Design and development work, including appointment of architects, has been significantly delayed.
- 2.2 The full capital funding required to deliver this new provision will be subject to a further report corporate board in August 2021 before submission to Cabinet in September 2021 and full Council in October 2021.
- 2.3 The new school is expected to open from September 2023.

3.0 Financial implications

- 3.1 The original July 2019 Cabinet approval for £250,000 from developer funding is unspent to date, there is currently no risk of this funding being returned through clawback periods in the s.106 agreement.
- 3.2 It is proposed an additional £300,000 of received developer funding will be allocated towards the design and development work required to produce the full feasibility and cost estimates, thus taking the current budget to £550,000. Only costs of design and development work which contribute towards the creation of the asset can be treated as capital expenditure, discarded alternative designs cannot be capitalised. Additionally, if the project does not subsequently progress then any costs incurred will not be eligible to be funded from the s.106 contribution and would require identification of revenue sources.
- 3.3 The full capital funding required to completely deliver the new school is expected to be in excess of £25 million which will be brought forward as a separate request to Cabinet and Full Council later in the current financial year. The proposal will be funded from a combination of received developer funding and Education Capital resources (Basic Need grant).

4.0 Environmental implications

- 4.1 The strategic brief for this project and existing outline planning permission require consideration of Carbon Neutral build methods to ensure the environmental impacts of delivering and operating the new provision are reduced where possible.
- 4.2 Full details of the environmental implications will be included in the further report along with the associated cost implications

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Assistant Director	Ian Budd
Lead Director	Strategic Director for Communities
Lead Member	Portfolio Holder for Finance and Property

Urgent matter?	No
Confidential or exempt?	No
Is the decision contrary to the budget and policy framework?	No

List of background papers

n/a

Members and officers consulted and informed

Portfolio Holder – Councillor Peter Butlin (Deputy Leader)

Corporate Board – 9th June 2021

Legal – Ian Marriott

Finance – Andrew Harper

Equality – n/a

Democratic Services – Helen Barnsley

Councillors – n/a

Local Member(s): n/a

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