

SECTION 10 – DELEGATIONS TO OFFICERS

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

[Throughout this section 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.]

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 (the. 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. The Chief Executive, Strategic Directors and Assistant Directors shall be responsible for ensuring that their list of delegated powers (and any onward delegations) is kept up to date and appropriate authority obtained from the relevant member body to any changes.
4. Any officer to whom powers have been delegated shall be authorised to further delegate any of their powers to their nominees subject to any statutory prohibition or express restriction within the delegation itself.
5. 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 and subject to acting within approved budgets:
 - i. Taking and implementing decisions on matters relating to day-to-day administration
 - ii. Taking and implementing decisions to maintain the operation and effectiveness of services or functions, including the production, amendment, review and deletion of all plans, policies, procedures, strategies and other similar documents except those that form part of the Policy Framework.
 - iii. To enter into contracts and arrangements (subject to compliance with the constitution, including Contract Standing Orders, and the law) necessary to facilitate service delivery or to procure works, services or supplies incidental to service delivery
 - iv. Taking any necessary decisions incidental to policy decisions that have been taken by elected members
 - v. 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)
 - vi. To write off as irrecoverable sums due to the Council up to £2000, subject to appropriate legal and financial advice having been taken, and in consultation with

- Portfolio Holder and/or Leader where considered appropriate by the Chief Executive
- vii. 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.
 - viii. 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. All reports to member bodies must have been signed off prior to publication by legal services and finance in accordance with the procedures of the council's committee management process
 - ix. To approve requests for ex gratia payments to complainants up to and including £1000 in relation to upheld complaints or in consultation with the chief finance officer in relation to other complaints where a financial remedy is considered to be appropriate and to make arrangements for the payment of any awards made by a court, a tribunal or other regulatory body.
 - x. To make a formal response on behalf of the County Council, to any White Papers, Green Papers, Government Consultation Papers, or other consultative document which do not have policy implications and/or are substantially technical or operational in nature in consultation with the Leader and/or relevant Portfolio Holder(s) and/or Chairs of Overview and Scrutiny on the proposed response.
 - xi. Authorizing responses to planning licensing and similar consultations within their area of responsibility which do not have policy implications and/or are substantially technical or operational in nature in consultation with the Leader and/or relevant Portfolio Holder(s) and/or Chairs of Overview and Scrutiny on the proposed response save where expressly delegated in Appendix A to Part 2(10)
6. 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.
 7. 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.
 8. The Council and the Leader have delegated the specific powers in Part B to the Chief Executive and the Strategic Directors or their nominees.
 9. Where an officer listed in this Scheme of Delegation is absent for any period, the Chief Executive may nominate in writing another officer to act in their place during their absence and shall make a record of all such nominations.
 10. The exercise of functions delegated to officers under this scheme must comply with:
 - any legal requirement or restriction;
 - any relevant provision in the Council's Constitution;
 - the Council's policy framework and any other plans and strategies approved by the Council;
 - the relevant in-year budget;
 - the relevant officers' code of conduct;
 - the Council's Financial Regulations and Contract Standing Orders;
 - all other relevant policies, procedures, protocols and provisions.

Limitations to the Exercise of Delegated Powers

11. Officers in the exercise of functions delegated by this scheme may not change or contravene policies or strategies approved by the Council in the absence of specific delegated authority to do so.
12. Where an officer takes a decision under delegated authority on a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer will first consult with the Leader and/or Portfolio Holder as appropriate before exercising the delegated powers
13. When exercising delegated powers, officers shall ensure that local Members are kept informed of matters affecting their divisions.

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 Services |
| Director of Public Health | Director of Public Health |
| Director of Children's Services | Strategic Director for People |
| Director of Adult Social Services | Strategic Director for People |
| Proper Officer for purposes of the Health Protection (Notification) Regulations 2010 | Director of Public Health |
| Proper Officer for all other purposes for which another person has not been appointed as proper officer | Chief Executive |

PART B – SPECIFIC DELEGATIONS TO STRATEGIC DIRECTORS AND CHIEF EXECUTIVE or their nominees

To the Chief Executive, and to each Director and Statutory Officer are delegated the following powers and decisions including those specific delegations set out in Appendix A to Part 2(10) of this Constitution The delegations in Appendix A are not exhaustive of the following general powers and decisions and some are additional to them. Any reference in Appendix A to an enactment includes a reference to that enactment as subsequently modified and to the corresponding provision as re-enacted (with or without modification) in any subsequent enactment

Nothing within this Part shall enable officers to make decisions properly reserved within this constitution to Members, or to override any specific delegations properly made by any member body to any group or individual

POWERS IN AN EMERGENCY

1. The Chief Executive is empowered, in consultation with the Leader, Group Leaders and the relevant Portfolio Holder, to take all necessary decisions in cases of emergency provided the Access to Information Rules are met.
2. Where the decision involves incurring expenditure for which there is no provision the Chief Executive will also consult with the Strategic Director for Resources before the decision is taken and ensure that the source of funding is identified.
3. For the purposes of this section, emergency shall mean any situation in which the Chief Executive believes that failure to act would seriously prejudice the Council or the public interests, and it is not practicable to call an urgent meeting or to defer the decision to the next meeting of the relevant decision-making body. The emergency period ends at the point at which these criteria are no longer met.
4. Details of the exercise of this power by the Chief Executive will be included in the annual report to Council under Standing Order 19.1 and reported to the next appropriate meeting of the relevant decision-making body following conclusion of the emergency period.

CHIEF EXECUTIVE

1. All the reasonably necessary powers and decisions required to enable the Chief Executive to fulfil the role of Head of Paid Service
2. All the reasonably necessary powers and decisions required to enable the Chief Executive to fulfil the role of Returning Officer for County Elections
3. All the reasonably necessary powers and decisions required to enable the Chief Executive to fulfil the role of Proper Officer for any purpose for which another person has not been appointed as proper officer
4. Those specific powers and delegations set out in Appendix A to Part 2(10)

STRATEGIC DIRECTOR FOR RESOURCES

1. All the reasonably necessary powers and decisions required to enable the Strategic Director for Resources to fulfil the role of chief finance officer
2. To approve bids for external funding not exceeding £250,000 and where
 - a. The bid will not commit the Council to funding in excess of £50,000 and the service can provide the funding from within its existing budget or
 - b. the bid is a partnership submission in which the County Council is one of several bodies and the council's involvement in the partnership has been validly authorised or

- c. the bid is made to further a scheme that has already been validly approved by the appropriate member body.
3. Those specific powers and delegations set out in Appendix A to Part 2(10)

STRATEGIC DIRECTOR FOR PEOPLE

1. All the reasonably necessary powers and decisions required to enable the Strategic Director for People to fulfil the role of Director of Children's Services and Director of Adult Social Services and to facilitate the provision of the Council's statutory functions in the area of social care (save where there is a specific delegation in Appendix A to Part 2(10) to the Strategic Director for Communities)
2. Those specific powers and delegations set out in Appendix A to Part 2(10)

STRATEGIC DIRECTOR FOR COMMUNITIES

1. To exercise in consultation with the relevant Portfolio Holder and as appropriate the Chair of the Regulatory Committee all of the functions of the Council as a highway, traffic, street, street works, access, transport, waste disposal, weights and measures, flood, hazardous substances and planning authority under any legislation, and any functions incidental to or assisting in the exercise of such functions, other than any powers:
 - expressly and specifically delegated to the Chief Executive or Strategic Director for Resources
 - to acquire an interest in land (voluntarily or compulsorily)
 - to adopt or vary or submit to the secretary of state for examination a local development document or a document in the Policy Framework
 - to determine any charges payable by a user of the highway or of parking places provided by the council as a traffic authority or any other charges payable by the general public where the council is given a discretion to determine the amount of the charge by a statutory provision specific to that particular kind of charge
 - make a statutory order, regulation or byelaw other than one expressly delegated to him or her in Appendix A to Part 2(10)and provided that any limitation or restriction on the exercise of any powers imposed in relation to a specific delegation in Appendix A to Part 2(10) is observed.
2. Those specific powers and delegations set out in Appendix A to Part 2(10)

Appendix A to Part 2(10)
Chief Executive and Strategic Directors:

| CHIEF EXECUTIVE, STRATEGIC DIRECTORS or their nominees | | | |
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| | 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 15 and 20, Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 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 8 to 11 Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 | 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) (Meetings and Access to Information) (England) Regulations 2012 | 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 | Regulation 13 Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 Regulations 14 and 20, Local Authorities (Executive | Executive |

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| | inspection unless it would disclose confidential or exempt information. | Arrangements) (Meetings and Access to Information) (England) Regulations 2012 | |
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CHIEF EXECUTIVE, STRATEGIC DIRECTORS or their nominees (cont'd)

| Powers and duties | | Statutory Reference | Function Type |
|--------------------------|--|---|--|
| 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) (Meetings and Access to Information) (England) Regulations 2012 | 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 |
| 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 | Sections 101, 111 and 151, The Act of 1972; Section 9E, Local Government Act 2000; Local Authorities (Executive | Executive or non-executive depending on the context |

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| | <p>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.</p> | <p>Arrangements) (Meetings and Access to Information) (England) Regulations 2012; Local Authorities (Functions and Responsibilities) (England) Regulations 2000</p> | |
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| CHIEF EXECUTIVE, STRATEGIC DIRECTORS or their nominees (cont'd) | | | |
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| | Powers and duties | Statutory Reference | Function Type |
| 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 |

10.1 Chief Executive

| CHIEF EXECUTIVE or their nominees | | | |
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| | Powers and duties | Statutory Reference | Function Type |
| 1 | To act as the proper officer for the purposes of any functions conferred on the council for which another person has not been appointed as proper officer | 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) (Meetings and Access to Information) (England) Regulations 2012 | Executive |

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| 10 | To receive and deal with documents relating to elections. | Local Elections (Principal Areas) (England and Wales) Rules 2006 | Non-executive |
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| CHIEF EXECUTIVE or their nominees (cont'd) | | | |
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| | Powers and duties | Statutory Reference | Function Type |
| 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 |
| 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 |

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| 21 | To send copies of bylaws to district councils. | Section 236, The Act of 1972 | Non-executive |
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CHIEF EXECUTIVE or their nominees (cont'd)

| | Powers and duties | Statutory Reference | Function Type |
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| 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 their 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 |
| 28 | Duty to publish notice if proposals relating the changing governance arrangements are not approved in referendum. | The Local Authorities (Conduct of Referendums) (England) Regulations 2012 Schedule 3 para 41 | Non-executive |

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| 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 |
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10.2 Strategic Director for Resources

| STRATEGIC DIRECTOR FOR RESOURCES or their nominees shall have the following powers and duties other than those of the Monitoring Officer in Article 7.3 | | | |
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| 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 7, Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 | (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 14 and 20, Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 | Executive |
| 3 | To supply to the press on request, and at their 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 7 and 20, Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 | (a) Non-executive (b) Executive |

STRATEGIC DIRECTOR FOR RESOURCES or their 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; Regulations 12 and 20, Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 | (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; Regulations 16, 17 and 20, Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 | (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 16, 17 and 20, Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 | Executive |
| 7 | To establish and maintain a register of interests of the members and co-opted members of the authority in accordance with the Members' Code of Conduct. | Section 81, Local Government Act 2000 | 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 £3000. | Sections 111 and 151, The Act of 1972 | Executive |

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| 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 (including photographs and byelaws) 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) as Proper Officer for these purposes under delegation from the Chief Executive | Section 234, Local Government Act 1972 | Executive or non- executive depending on the context |

STRATEGIC DIRECTOR FOR RESOURCES or their nominees (cont'd)

Governance (cont'd)

| | Powers and duties | Statutory Reference | Function Type |
|----|--|--|---|
| 12 | To exercise the powers of the council under the listed provisions in addition to the power to instigate 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 in land 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 |
| 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 Neighbourhoods & Environment Act 2005; and any other enactment conferring functions on the council | Executive or non-executive depending on the context |

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| 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 including those provided by developers. | Section 38, Highways Act 1980 | Non-executive |

| STRATEGIC DIRECTOR FOR RESOURCES or their nominees (cont'd) | | | |
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| Governance (cont'd) | | | |
| | Powers and duties | Statutory Reference | Function Type |
| 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, Temporary Stop Notices and applications for injunctions to restrain breaches of planning control. | 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. | ; Safety of Sports Grounds Act 1975; Fire Safety & Safety of Places of Sport Act 1987; Regulatory Reform Act 2001; the Regulatory Reform (Fire Safety) Order 2005; 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 547, Education Act 1996 and Section 85A, Further and Higher Education Act 1992 | 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 |

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| 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 9P, 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 9P, Local Government Act 2000 | Executive or non- executive as appropriate |
| 25 | To make any arrangements as they consider necessary for terrorism cover, as and when such cover is available. | Section 111, The Act of 1972; Section 2, Local Government Act 2000 | Executive |

| STRATEGIC DIRECTOR FOR RESOURCES or their nominees (cont'd) | | | |
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| Governance (cont'd) | | | |
| | Powers and duties | Statutory Reference | Function Type |
| 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 1, Localism Act 2011 | 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; (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. | Section 1, Localism Act 2011 | Executive |
| 28 | In relation to Pride in Camp Hill Limited to agree the company changing the accounting reference date. | Section 1, Localism Act 2011 | Executive |
| 29 | To maintain an appropriate and lawful approach to equalities in all contracts let by the Council | Section 1, Localism Act 2011 | Executive |
| 30 | To exercise overall management control of authorisations under RIPA and to make such alterations to the designations of authorising officers as they see 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 |

STRATEGIC DIRECTOR FOR RESOURCES or their nominees (cont'd)**Governance (cont'd)**

| | Powers and duties | Statutory Reference | Function Type |
|----|---|--|---|
| 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, Education 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 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 of Town or 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) | Non-executive |

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| | | Regulations 2014 (S.I. 2014/3038) | |
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| STRATEGIC DIRECTOR FOR RESOURCES or their nominees (cont'd) | | | |
|--|--|---|----------------------|
| Village Greens (cont'd) | | | |
| | Powers and duties | Statutory Reference | Function Type |
| 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 |

| STRATEGIC DIRECTOR FOR RESOURCES or their nominees (cont'd) | | | |
|--|--|---|----------------------|
| 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 |

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| 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. | Localism Act 2011 s1(1) | 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 |

STRATEGIC DIRECTOR FOR RESOURCES or their nominees (cont'd)

Libraries, Heritage and Registration Services (cont'd)

| | Powers and duties | Statutory Reference | Function Type |
|---|---|----------------------------|----------------------|
| 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. | Localism Act 2011 s1(1) | 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 101, The Act of 1972; | 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 £250,000. | 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 £35,000. | 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 |

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| 6 | To seek and enter into 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 |
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STRATEGIC DIRECTOR FOR RESOURCES or their nominees (cont'd)

Property Management (cont'd)

| | Powers and duties | Statutory Reference | Function Type |
|---|---|--|----------------------|
| 8 | (i) To make applications for planning, licensing, highways, building control, environmental and any other regulatory consents required to facilitate the disposal of land for the best consideration or to enable its development and to enter any agreements or submit to any terms and requirements which are a condition of any such consent | 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 enter into and sign agricultural tenancy agreements in respect of the smallholdings 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 relevant Portfolio Holder. | 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 £250,000. | 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 £35,000. | 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 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 |

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| 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 £35,000. | Sections 120, 122 and 123, The Act of 1972 and applicable statutory consents | Executive |
| | 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 |

STRATEGIC DIRECTOR RESOURCES or their nominees (cont'd)

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 they consider 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 for 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 | Section 151, The Act of 1972 | |
| 5 | Responsible for ensuring that safe and efficient arrangements are made for the receipt and payment of money. | Section 151, The Act of 1972 | |
| 6 | Responsible for deciding the conditions under which imprest accounts are to be operated | Section 151, The Act of 1972 | |
| 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 |

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| 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 investments of the council. | The Act of 1972 and any other enactment or provision conferring such powers on the council | Executive |

STRATEGIC DIRECTOR RESOURCES or their nominees (cont'd)

Financial Management (cont'd)

| | Powers and duties | Statutory Reference | Function Type |
|----|--|--------------------------------------|---|
| 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 |
| 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 |
| 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 |

STRATEGIC DIRECTOR RESOURCES or their nominees (cont'd)**Financial Management (cont'd)**

| | Powers and duties | Statutory Reference | Function Type |
|----|---|---|---|
| 26 | <p>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:</p> <p>(i) the expenditure can be met from within the earmarked reserves of the directorate concerned; and</p> <p>(ii) any requirements of the Access to Information Rules are met.</p> <p>Any proposal to spend beyond the directorates earmarked reserves shall be referred to the full council.</p> | <p>Sections 101, 111 and 151, The Act of 1972;</p> <p>Section 9E, Local Government Act 2000;</p> <p>Local Authorities (Functions and Responsibilities) (England) Regulations 2000</p> <p>Local Authorities (Executive Arrangements) (Meeting and Access to Information) (England) Regulations 2012/2089</p> | Executive or non-executive depending on the context |
| 27 | <p>In relation to Pride in Camp Hill Limited:</p> <p>(i) to carry out any functions prior to adoption of the first business plan and cash flow;</p> <p>(ii) to agree to the company changing its accounting policies, principles or practices of the company; and</p> <p>(iii) to agree their annual accounts.</p> | <p><i>Section 1 of the Localism Act 2011</i></p> | Executive |
| 28 | <p>In relation to Pride in Camp Hill Limited, jointly with the strategic director for communities:</p> <p>(i) to receive quarterly the current cash flow, contribution account and minutes of meetings; and</p> <p>(ii) in the event of an early exit notice, attend a resolution meeting.</p> | | |

STRATEGIC DIRECTOR RESOURCES or their nominees (cont'd)**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 |

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 |

10.3 Strategic Director for People

| STRATEGIC DIRECTOR FOR PEOPLE or their nominees | | | |
|--|--|--|----------------------|
| Adult Social Care | | | |
| | Powers and duties | Statutory Reference | Function Type |
| 1 | To make one-off grants not exceeding £10000 to voluntary organisations providing relevant services. | Section 65, Health Services & Public Health Act 1968 | Executive |
| 2 | To make payments up to £10000 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 2018 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 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 |
| 8 | 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 |
| 9 | To exercise the discretions set out in the council's deferred payments scheme. | Care Act 2014 | Executive |

STRATEGIC DIRECTOR FOR PEOPLE or their 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 Strategic Director for Communities.</p> <p>In exercising these powers, they are required to observe all policy decisions taken by the council and its relevant bodies.</p> | <p>Academies Act 2010; Anti-Social Behaviour Act 2003; Childcare Act 2006; Children and Families Act 2014; Education & Inspections Act 2006;</p> <p>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 Standards & Framework Act 1998</p> <p>The Education and Skills Act 2008</p> | 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, 507A and 507B Education Act 1996 | Executive |
| 4 | 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. In exercising these powers, they are required to observe all policy decisions taken by the council and its relevant bodies. | Sections 15B and 507B, Education Act 1996 | Executive |

STRATEGIC DIRECTOR FOR PEOPLE or their nominees (cont'd)**Children's Services**

| | Powers and duties | Statutory Reference | Function Type |
|---|---|---|----------------------|
| 1 | To make one-off grants not exceeding £10000 to voluntary organisations providing relevant services. | Section 65, Health Services & Public Health Act 1968 | Executive |
| 2 | To make "exceptional needs" payments up to £10,000 to local authority foster parents of Children in Care. | Part III, Children Act 1989 and any regulations made thereunder | Executive |
| 3 | 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. | , Children Act 1989; t Section 111, The Act of 1972; Section 2, Local Government Act 2000 | Executive |
| 4 | 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 |
| 5 | 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 |
| 6 | 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 |
| 7 | 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 |
| 8 | 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 |
| 9 | To make payments up to £10,000 to support a child in need in exceptional circumstances. | Section 17, Children Act 1989 | Executive |

STRATEGIC DIRECTOR FOR PEOPLE or their nominees (cont'd)**Children's Services (Cont'd)**

| | Powers and duties | Statutory Reference | Function Type |
|----|--|---|----------------------|
| 10 | 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 |
| 11 | 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 |
| 12 | 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. | Children Act 1989; Section 111, The Act of 1972; Section 2, Local Government Act 2000 | Executive |
| 13 | 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 2018 and regulations and orders made thereunder | Executive |
| 14 | 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 |
| 15 | 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 |

10.4 Strategic Director for Communities

| STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees | | | |
|---|--|---|---|
| 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: <ul style="list-style-type: none"> (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, firefighting 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 |

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)**Fire and Rescue (Cont'd)**

| | Powers and duties | Statutory Reference | Function Type |
|---|--|--|----------------------|
| 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 1972; 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 Chief Executive and the strategic director for people). | Gambling Act 2005 | Executive |
| 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 their nominees (cont'd)**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 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 their 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(2), 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 them under subsection 21(2) of the Land Drainage Act 1991. | 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 of the Land Drainage Act 1991 requiring them to abate the nuisance within a period to be specified in the notice. | Section 24(1) and (2), Land Drainage Act 1991 | Executive |
| 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 section 24 subsection (1) of the Land Drainage Act 1991. | 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 | Section 25, Land Drainage Act 1991 | Executive |

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| | person to remedy that condition. | | |
| 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 |

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)

Flood Risk Management (cont'd)

| | Powers and duties | Statutory Reference | Function Type |
|----|---|---------------------------------------|----------------------|
| 9 | Power to do works that could increase flooding where the benefits outweigh the harmful consequences and where undertaken in accordance with and subject to the conditions set out in s39 of the Flood and Water Management Act 2010 | Flood and Water Management Act 2010 | 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 |

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)

Trading Standards

| | Powers and duties | Statutory Reference | Function Type |
|---|--|--|----------------------|
| 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 county council under the Act and Regulations listed.</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 Act and Regulations listed.</p> | <p>Animal Health Act 1981 - Disease Control (England) Order 2003</p> | Non-executive |

STRATEGIC DIRECTOR FOR COMMUNITIES or their 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 exercise the statutory powers and duties of the council to appoint designate, nominate or otherwise authorise suitably qualified and competent officers and persons (whether or not employees of the council), including a chief inspector of weights and measures and other inspectors to enforce all or any part of the listed legislation.</p> <p>Any functions which may be conferred on the County Council at any time by the legislation listed (or by that legislation as amended or re-enacted at any time) or by any subordinate legislation or any direction, designation, appointment, order or other instrument of government made under or for the purposes of that legislation including for the avoidance of doubt any powers of entry, inspection, seizure or other investigation and any power to designate, appoint or otherwise authorise any other person (whether or not an employee of the County Council) for the purpose of the exercise of any such functions, but excluding the power to conduct legal proceedings in a court other than a court of Summary Jurisdiction which is reserved to the Chief Executive in consultation with the Monitoring Officer</p> | <p>Animal Feed (Hygiene, Sampling, etc. & Enforcement) (England) Regulations 2015 Animal Health Act 1981; Animal Health and Welfare Act 1984; Animal Welfare Act 2006; 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; Birmingham Commonwealth Games Act 2020; 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; Client Money Protection Schemes for Property Agents (Requirement to Belong to a Scheme etc.) Regulations 2019 Climate Change Act 2008; Companies Act 2006; Consumer Credit Act 1974; Consumer Protection Act 1987; Consumer Protection from Unfair Trading Regulations 2008;</p> | <p>Executive or non-executive depending on the context</p> |

| STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd) | | | |
|--|--------------------------|--|---|
| Trading Standards (cont'd) | | | |
| | Powers and duties | Statutory Reference | Function Type |
| 4 | Cont'd | Consumer Rights Act 2015; Copyright, Design & Patents Act 1988; Counter Terrorism Act 2008; Crossbows Act 1987; Criminal Justice Act 1988 – Part XI; 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; Energy Act 1976 & 2011 Part 1); Enterprise Act 2002; Environmental Protection Act 1990; Equine Identification (England) Regulations 2018; Estate Agents Act 1979; 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; Explosives Act 1875; Fireworks Act 2003; Food and Environment Protection Act 1985; Food for Specific Groups (Information and Compositional Requirements)(England) Regulations 2016; Food Safety Act 1990; Food Safety and Hygiene (England) Regulations 2013; Forgery and Counterfeiting Act 1981; Fraud Act 2006; Genetically Modified Organisms (Traceability and Labelling) (England) Regulations 2004; Hallmarking Act 1973; Health Act 2006; Health and Safety At Work etc. Act 1974; Housing and Planning Act 2016; Intellectual Property Act 2014 Knives Act 1997; | Executive or non-executive depending on the context |

| STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd) | | | |
|--|--------------------------|---|---|
| Trading Standards (cont'd) | | | |
| | Powers and duties | Statutory Reference | Function Type |
| 4 | Cont'd | Legal Services Act 2007; Licensing Act 2003; Malicious Communication Act 1988; Medicines Act 1968; Motor Cycle Noise Act 1987; Offensive Weapons Act 2019; Official Controls (Animals, Feed and Food) (England) Regulations 2006; Official Feed and Food Controls (England) Regulations 2009; Olympic Symbol etc. (Protection Act) 1995; Organic Products Regulations 2009; Osteopaths Act 1993; 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; Restriction of Offensive Weapons Act 1959; 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; | Executive or non-executive depending on the context |

| STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd) | | | |
|--|--|--|---|
| Trading Standards (cont'd) | | | |
| | Powers and duties | Statutory Reference | Function Type |
| 4 | Cont'd | Trade Marks Act 1994; 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 | Executive or non-executive depending on the context |
| 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 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> | Enterprise Act 2002 | Executive |

Rights of Way, Traffic Regulation, Planning and Environment

The following powers and duties are delegated subject to the following provisos:

- legal proceedings may only be commenced with the consent of the strategic director for resources or their nominees; and
- the strategic director for resources or their nominees are 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 *.

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, or any objections received being withdrawn, 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 |
| 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 orders 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 |

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)**Rights of Way and Traffic Regulation, (cont'd)**

| | Powers and duties | Statutory Reference | Function Type |
|------|--|---|--|
| 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 |
| 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 placing 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 their nominees (cont'd)**Rights of Way and Traffic Regulation, (cont'd)**

| | Powers and duties | Statutory Reference | Function Type |
|-----|--|--|---|
| 18* | <p>To propose and make 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:</p> <ul style="list-style-type: none">(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>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 |

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)**Rights of Way and Traffic Regulation, (cont'd)**

| | Powers and duties | Statutory Reference | Function Type |
|-----|--|--|----------------------|
| 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, they are satisfied that doing so has no significant policy or budget implications. | 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) (England) Regulations 2000; Local Authorities (Goods & Services) Act 1970 | Executive |
| 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 |
| 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 |

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)**Planning and Environment**

| | Powers and duties | Statutory Reference | Function Type |
|--|--------------------------|----------------------------|----------------------|
|--|--------------------------|----------------------------|----------------------|

General – the delegated powers to grant planning permissions and/or determine planning applications include power to:

- i. 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
- ii. do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of those functions;

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:

- i. the application is a departure from the development plan which would require referral to the Secretary of State before being granted;
- ii. the application constitutes a major development as defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and is accompanied by an environmental statement;
- iii. 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);
- iv. the application is subject to an objection from a statutory consultee identified in Schedule 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015;
- v. the application is one which should be refused;
- vi. the strategic director for communities' responsibilities include any aspect of the management of the land or buildings to which the application relates;
- vii. 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;
- viii. 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 their nominees (cont'd)**Planning and Environment (cont'd)**

| | Powers and duties | Statutory Reference | Function Type |
|----|--|--|----------------------|
| 1* | Power to determine applications for planning permission or permission in principle 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 (SI 1992/1492). | Non-executive |
| 2 | To respond to consultations from district councils under the listed provisions. | Article 10, Town & Country Planning (General Development Procedure) Order 1995; Paragraph 7 of Schedule 1, Town & Country Planning Act 1990 | Executive |
| 3 | Power to determine application for planning permission or permission in principle. | Sections 70(1)(a) and (b) and 72 of the <u>Town & Country Planning Act 1990 (c8)</u> | Non-executive |
| 4 | Power to determine application for planning permission 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 applications for planning permission or permission in principle. | <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 and decisions 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 |

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)**Planning and Environment (cont'd)**

| | Powers and duties | Statutory Reference | Function Type |
|----|--|--|---|
| 9 | Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights. | Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418). | Non-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 (SI1995/419) and directions made thereunder | Non-executive |
| 11 | Power to determine applications for hazardous substances consent, and related powers. | Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990. | |
| 12 | Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject. | 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 the Environment Act 1995 (c 25); and Paragraph 6(5) of the Schedule 14 to that Act | Non-executive |
| 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 their 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. | | |

| | | | |
|----|--|--|----|
| 15 | In consultation with the relevant Portfolio Holder, to determine and publish local requirements as to the particulars and evidence accompanying planning applications. | Section 62(3), Town & Country Planning Act 1990; | 24 |
|----|--|--|----|

STRATEGIC DIRECTOR FOR COMMUNITIES or their 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 |

