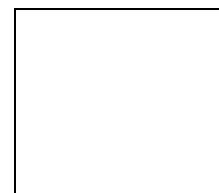


Agenda Item:

# County Council



## Dorset County Council



Date of Meeting	16 May 2013
Officer	Monitoring Officer
<b>Subject of Report</b>	<b>Delegated Executive Functions</b>
Executive Summary	<p>The Executive Procedure Rules contained within the County Council's Constitution provide for the Leader of the Council to determine which matters of an executive nature are to be delegated to officers. Changes to the delegations of executive functions to officers arise infrequently and are approved by the Leader of the Council.</p> <p>Although it is open to the Leader to amend the executive scheme of delegation at anytime the annual meeting of the County Council provides the opportunity for the Leader to report on the operation over the last year, and where there may be changes which need to be made in order to improve the current arrangements.</p> <p>Going forward it will be for the incoming Leader of the Council to decide on the extent of delegations of an executive nature to officers. The existing scheme of delegation is appended to this report for information.</p>
Impact Assessment:	Equalities Impact Assessment: n/a
	Use of Evidence: n/a
	Budget/ Risk Assessment: n/a

Recommendation	That the statement of the former Leader of the Council be noted.
Reason for Recommendation	To comply with the County Council's Executive Procedure Rules.
Appendices	Scheme of Delegation: Part 3 – Schedule 4 of the County Council's Constitution
Background Papers	Executive Procedure Rules: Part 4 of the County Council's Constitution
Report Originator and Contact	Name: Lee Gallagher, Democratic Services Manager Tel: (01305) 224191 Email: l.d.gallagher@dorsetcc.gov.uk

## **Background**

### Executive decision-making

1. The arrangements for the discharge of Executive functions adopted by the County Council or made by the Leader can provide for Executive functions to be discharged by:
  - (i) the Cabinet as a whole;
  - (ii) a committee of the Cabinet;
  - (iii) an individual member of the Cabinet;
  - (iv) an officer, acting in accordance with the Scheme of Delegation or a specific executive delegation;
  - (v) an area committee;
  - (vi) joint arrangements; or
  - (vii) another local authority.
2. The County Council's Constitution (Part 4 – Executive Procedure Rules) provide that at the first meeting of the Council after the quadrennial elections, the County Council will decide who shall be the Leader and ex-officio Chairman of the Cabinet, and that the Leader will have authority to decide the nature and extent of any delegation of Executive functions to area committees, any other authority or any joint arrangements; and the nature and extent of any delegation of executive functions to officers.

### The Council's Scheme of Delegation and Executive Functions

3. The County Council's Scheme of Delegation, as detailed at Part 3 of the Constitution, contains all delegated functions of an executive and non-executive nature. Non-executive matters will be subject to adoption by the County Council and may only be amended by the County Council. It will contain the details required in Article 7 and set out in Part 3 of this constitution.
4. The Scheme of Delegation relating to executive functions may, during the year, be amended providing the Leader gives written notice to the Proper Officer and to the person, body or committee of the Cabinet concerned. The notice must set out the extent of the amendment to the Scheme of Delegation and whether it entails the withdrawal of delegation from any person, body or committee. The Proper Officer will present a report to the members of the Standards and Governance Committee and thereafter to the next ordinary meeting of the County Council setting out the changes made by the Leader.
5. Where the Leader proposes to withdraw delegation from a committee of the Cabinet, notice will be deemed to be served on that committee when the Leader has served it on its chair.
6. Amendments to the Scheme of Delegation will be implemented immediately following consideration and agreement by the Leader.

### **Duty of the Leader of the Council to report to the County Council**

7. The role of the Leader of the Council not only includes deciding appointments to the Cabinet and the Portfolios, but also which matters of an executive nature are to be delegated to officers. Changes to the delegations of executive functions to officers arise infrequently and are approved by the Leader of the Council.

8. The annual meeting of the County Council provides the opportunity for the Leader to report that this has worked well over the last year, or where there may be changes which need to be made in order to improve the current arrangements.
9. Going forward it will be for the incoming Leader of the Council to decide on the extent of delegations of an executive nature to officers. The existing scheme of delegation is appended to this report for information.

### **Statement of the Former Leader of the Council**

10. The following statement was made by the former Leader of the County Council before the elections on 2 May 2013 to report on the previous year 2012/13:

For your information, as the former Leader of the Council, I would like to the opportunity to report my view that in the last year 2012/13 there has been one alteration to the scheme of delegation in respect of executive delegations as detailed below.

#### Delegation of powers under Section 36 of the Highways Act 1980

A request was submitted to the Leader of the Council from the Environment Directorate for an addition to the list of Highways Act powers delegated to the Director for Environment. The request related to the granting of licences for 'sitting out', for instance to licence open air seating on the highway adjacent to cafes.

The Leader therefore made the following decision:

*"That the Director for Environment, after consultation with the portfolio holder for highways and transportation and the local member be given delegated authority to enable the County Council to enter into agreements with District and Town Councils to enable them to administer 'sitting out' licences and occupation of the highway under Section 115 Highways Act 1980."*

As far as I am aware there are no other suggestions to change the current delegations or proposals to alter the system. The new Leader of the Council will of course report on any future planned changes.

11. The changes that arose in the year were considered by the Standards and Governance Committee and presented to the County Council as part of the updates to the Constitution. The change above was approved by the County Council on 14 February 2013.
12. There are no new revisions to the Scheme to consider at this meeting.

**Debbie Ward**  
Chief Executive  
May 2013

## **Part 3: Schedule 4**

### **Responsibility for executive functions under the Scheme of Delegation**

#### **1. Delegation to Cabinet members with special responsibilities (portfolios)**

- 1.1 In appointing members of the Cabinet and allocating special areas of responsibility the Leader will be asked to have regard to the Council's directorate and service structure so that where possible individual Cabinet members have responsibility for the following portfolios:-
- (a) Cabinet member for Adult Social Care
  - (b) Cabinet member for Children's Services;
  - (c) Cabinet member for Community Services (Community Safety, Regulatory Services, Cultural Services, Health Improvement, Sport, Adult Learning and the Voluntary Sector)
  - (d) Cabinet member for Corporate Resources;
  - (e) Cabinet member for Environment;
  - (f) Cabinet member for Highways and Transportation.
- 1.2 Each Cabinet member with special responsibility for functions of the County Council has responsibility to take particular interest in the functions within his/her area of responsibility and to give public account of them.
- 1.3 Any action by a Cabinet member shall be in accordance with
- (i) the overall policies approved by the County Council and/or the Cabinet;
  - (ii) the County Council's Procedure Rules.
- 1.4 The individual Cabinet member is expected in appropriate cases to maintain clear communication with the Chairman of the relevant Overview Committee or Quasi Judicial/Regulatory Committee.

#### **2. Delegation to Statutory Officers and Directors**

- 2.1 Each Statutory Officer (the Chief Executive as Head of Paid Service, Director for Corporate Resources as Chief Financial Officer and the Monitoring Officer) and each Director is authorised in the Scheme of Delegations set out in Schedule 4 of Part 3 to act on behalf of the County Council in relation to any matters within the service area for which he/she is responsible which are referred to in Article 12 of the County Council's constitution, including spending decisions, subject to the following overriding provision:
- (a) Any action by a Statutory Officer or Director under delegated powers shall be in accordance with:-
    - (i) the overall policies approved by the County Council, the Cabinet or a sub-committee of the Cabinet.
    - (ii) the County Council's Procedure Rules.
- 2.2 Without prejudice to these delegations the Statutory Officer or Director is expected in appropriate cases to:-
- (i) maintain clear communication with the Cabinet member with responsibility for his or her service area and, where appropriate, the Chairman or Vice Chairman of the relevant Quasi Judicial/ Regulatory Committee.

### Part 3: Schedule 4

- (ii) ensure that the County Councillor for the local electoral division is consulted on or advised of the exercise of delegated powers.

NB: Before exercising any delegated power, a Statutory Officer or Director must consider whether the decision to be made is of such a nature that it ought to be referred for decision to the Cabinet. Where the local County Councillor consulted under (ii) above so requests, the matter shall be referred to the Cabinet or appropriate committee, for decision.

- 2.3 Any power conferred upon a Statutory Officer or Director may be exercised by an officer authorised by them in writing, specifically for the purpose, the details of all such delegations to be contained in a register maintained by the Chief Executive, to be available for public inspection and to be reviewed at least annually.
- 2.4 There are circumstances where the County Council may enter into partnership arrangements with other local authorities and with health bodies for the shared delivery of services. These arrangements may involve pooled budgets, delegations of the lead commissioning role and shared staffing and management structures. Under these arrangements it may be necessary for a statutory officer or Director to give delegated authority to act to someone employed by the partner body and not by the County Council. In such cases particular care must be taken to describe in writing the limits of the extent of delegated authority to act on behalf of the County Council and the details must be included in the register maintained by the Chief Executive.
- 2.5 The Cabinet or a sub-committee of the Cabinet in relation to decision-making within their statutory or delegated authority, may at any time require a particular issue or any aspect of delegated powers within their terms of reference to be referred to it for decision.
- 2.6 Any reference to a service area for which a Statutory Officer or Director is responsible includes the functions and responsibilities referred to in Article 12 of the County Council's constitution and all legislation within that general description including any Regulation, Order or Direction made thereunder.
- 2.7 Delegated decisions shall not involve the adoption of a new policy or a major extension of an existing policy of the County Council and shall exclude any case where the magnitude or controversial nature of a proposal is such that responsibility for a decision should be taken by the County Council, the Cabinet or a subcommittee of the Cabinet.
- 2.8 Any reference to Acts of Parliament includes reference to processes and procedures contained in regulations made thereunder.
- 2.9 Any reference to the masculine gender includes the feminine.
- 2.10 Any reference to the Chairman of a Committee includes a reference to the Vice-Chairman in that Chairman's absence.
- 2.11 The County Council acts as lead authority or host for a number of partnerships involving the joint exercise of executive functions. Before exercising any delegated power to act in relation to partnership activity a Statutory Officer or Director must consider the appropriate consultation to be undertaken with elected members. If necessary, this will involve consulting with the appropriate Chairman or lead member for the partnership in place of,

## **Part 3: Schedule 4**

or in addition to, consultation with the appropriate member of the County Council's Cabinet.

### **3. Delegations to fulfil the County Council's duties in the Civil Contingencies legislation**

3.1 In order to comply with the statutory requirements of the Civil Contingencies Act which identifies the County Council as a category 1 responder in a declared emergency or major incident, the Chief Executive, Directors and Heads of Service (when acting in a decision making capacity at the Local Resilience Forum Strategic Command Group) or at Dorset County Council's own Gold emergency group) are authorised for the purposes of the declared emergency to commit the appropriate resources (regardless of whether the value would equate to a key decision) and to suspend aspects of business as usual to comply with the County Council's duties in the Act.

3.2 Owing to the nature of such decision making at a time of a declared emergency or major incident, all decisions will be made on best advice available to the decision maker at the time and on the basis that the decision is a reasonable one in the circumstances. Notification to the Chairman and Vice Chairman of the Cabinet, the portfolio holder for Corporate Resources, the relevant service portfolio holder and senior manager will be given as soon as is practicably possible in the context of the emergency or major incident. A schedule of decisions taken under the delegation will be reported to the next meeting of the Cabinet as is appropriate in the circumstances of the emergency.

### **4. General Indemnity**

The County Council gave a general indemnity in 1992 to any officer acting in good faith in the course of their employment, in the following form. This indemnity was modified in 2005 to extend to members as well as employees of the Council. At the same time it was also extended to provide financial support for members and officers to enable them to:-

- (1) resist criminal proceedings
- (2) resist defamation proceedings

## **Appendix to Schedule 4: Scheme of Delegation to Officers**

### **Exceptions**

The indemnity will not extend to loss or damage directly or indirectly caused by or arising from:-

fraud, dishonesty or criminal offence committed by the member or employee;

any neglect, act, error or omission by the member or employee otherwise than in the course of his/her employment; and

The indemnity will not apply if a member or employee without the express permission of the authority, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this resolution.

In pursuance of the above indemnity, the Council undertake not to sue (or joint others in an action as co-defendant versus) a member or an officer of the Council in respect of any neglect, error or omission by him/her in the course of his/her role as a member or as an employee, but subject to the same exceptions as in 2 above.

The above indemnity and undertaking shall be without prejudice to the right of the Council: -

- (1) through the Standards and Governance Committee to take action in respect of a locally referred allegation of a breach of the Code of Conduct for Members or the breach of a local protocol, or
- (2) to take disciplinary action against an employee in respect of any neglect, act, error or omission.

The above indemnity and undertaking apply:

Retrospectively to any neglect, act, error or omission which may have occurred before this date; and after the retirement or resignation of the member or employee concerned, as well as during their term of office or employment with the council.”

### **5. Specific Delegations**

The specific delegations to Statutory Officers and to Directors are contained in the Appendix to Schedule 4 as revised from time to time.

Note: \* indicates an executive function

### **Powers to be delegated to the Chief Executive**

1. To be Head of Paid Service for the purposes of Section 4(1) of the Local Government and Housing Act 1989.
- \*2. Grants – Special Projects
  - (a) After consultation with the Chairman of the Cabinet, to allocate sums



## Appendix to Schedule 4: Scheme of Delegation to Officers

from the Special Projects Revenue Budget with annual monitoring reports to be made to the Cabinet; and

- (b) allocate sums from the Special Projects Capital Budget for specific projects with twice yearly monitoring reports to be made to the Cabinet.
3. To be Proper Officer in relation to the following provisions in the Local Government Act 1972:
- (a) Section 83(1)(2) and (3) - the officer to whom a person elected to the office of Chairman, Vice-Chairman or Councillor of the Council shall deliver a declaration of office.
  - (b) Section 84 - the officer to whom a person elected to any office under the Act may give written notice of resignation.
  - (c) Section 88(2) - the officer who may convene a meeting for the election of Chairman of the Council following a casual vacancy in that office.
  - (d) Section 89(1)(b) - the officer who receives notice of casual vacancies from two local government electors.
  - (e) Schedule 12, Part 1 Paragraph 4(2)(b) - the officer who shall sign a summons to attend a Council Meeting.
  - (f) Schedule 12, Part 1 Paragraph 4(3) - the officer to receive notices from members regarding the address to which summonses to meetings are to be sent.
4. To be **Proper Officer** in relation to the provisions of the Regulations under Sections 15 to 17 of the Local Government and Housing Act 1989 regarding:
- (a) the receipt of Notices from Members concerning:
    - (i) the constitution of political groups;
    - (ii) the membership of political groups;
    - (iii) the wishes of political groups;
    - (iv) the review of the allocation of seats to political groups;
  - (b) the notification to political groups of:
    - (i) the allocation of seats to political groups;
    - (ii) the vacation of a seat allocated to a political group.
5. To authorise in cases of urgency the acquisition or disposal of land or any other transaction which he considers to be in the best interests of the County Council, after consultation with the Chairman and Vice-Chairman of the Cabinet and after having taken advice from the Director for Corporate Resources as Chief Financial Officer, the Monitoring Officer and the Director for Environment.

## **Appendix to Schedule 4: Scheme of Delegation to Officers**

- \*6. Following consultation with the local member, the Chairman of the Cabinet and the appropriate district and town or parish council, to give expressions of non-financial support in respect of "non County Council" lottery bids.
7. To act as County Returning Officer for County Council elections.
- \*8. To decide requests from members for dispensations to speak and vote at meetings in accordance with the County Council's procedure approved by the County Council on 19 July 2012 to meet the requirements of the Localism Act 2011.
- \*9. To decide on individual cases for exemptions from political restriction to meet the requirements of the Localism Act 2011.
- \*10 Following consultation with the Director for Corporate Resources as Chief Financial Officer, to enter into Section 75 Agreements under the National Health Service Act 2006 where it is deemed advantageous to the County Council.

### **Powers delegated to Director for Corporate Resources and Chief Financial Officer**

#### General

- \*1. To appoint Coroners.
- \*2. To approve attendance by members at Conferences, after consultation with the Cabinet member for Corporate Resources.

#### Resource Matters

3. To arrange for the leasing of computer equipment and to sign the leasing schedule where the County Council have approved the acquisition of such equipment.
4. To set and review, vary, waive or reduce charges to people using the Directorate's services, or any of its property. (Write-off of debts other than those relating to home care and day care will continue to require approval by the Director for Corporate Resources.)

#### As Chief Financial Officer

5. To be Proper Officer in relation to the following provisions of the Local Government Act 1972:-
  - Section 115(2) - the officer who shall receive all money due from every officer employed by the Council.
  - Section 146(1) - the officer in relation to transfers of securities on alteration of area, etc.
6. To be Proper Officer under Section 151 of the Local Government Act 1972 responsible for the proper administration of the County Council's financial affairs.

## **Appendix to Schedule 4: Scheme of Delegation to Officers**

7. To be Chief Financial Officer for the purposes of Section 6 of the Local Government and Housing Act 1989.
8. To incur overdraft on the Council's bank accounts, the net pooled balance not to exceed £10M overdrawn at any one time.
9. To be responsible for Internal Audit under the Accounts and Audit Regulations 1996.
10. To make investment decisions for the Dorset County Pension Fund in accordance with a strategy agreed by the Pension Fund Investment Committee.
11. To make appeals against the banding for council tax purposes of residential properties owned by the County Council where he considers it appropriate to do so.
12. To remit income in the following classes:-
  - (a) arrears of contributions in respect of children and young persons in care;
  - (b) charges to residents in homes, hostels and boarding establishments.
13. To adjust the standard charge, where applicable, for residential accommodation.
14. To fix charges to other authorities for accommodation in residential establishments.
15. To make arrangements for the leasing of all plant, vehicles and equipment where it is in the County Council's best interest to do so.
16. Superannuation
  - admission to the Scheme
  - application of interchange rules
  - surrender of allowances
  - re-introduction of child's pension
17. To agree to grant terms and conditions under Section 31 of the Local Government Act 2003 for and on behalf of the County Council.
18. After consultation with the Cabinet member for Corporate Resources and the County Council's appointed member representative on the South West Audit Partnership (SWAP) Board, to formally agree 'the Annual Fee' pay to SWAP for the provision of internal audit services.

### Land and Property Issues

19. When land has been declared by the Cabinet to be surplus to the requirements of the County Council, the Director for Corporate Resources to consider the most appropriate use of the land in the interests of the Council and where he is satisfied that the retention of the land would serve no County Council purpose, it be offered for disposal (except in the case of small pieces of land where by sale by private treaty would be the only reasonable method of disposal) on terms to be negotiated by the Director for the Environment and in the following order:-

## Appendix to Schedule 4: Scheme of Delegation to Officers

- (a) To the former owner or his successor in the following cases:-
- (i) where agricultural land was acquired by or under threat of compulsion prior to 30 October 1992 but after 1 January 1935, subject to there having been no material change in the character of the land acquisitions;
  - (ii) where in any other case any land was acquired by or under threat of compulsion less than twenty-five years prior to being declared surplus to County Council requirements, subject to there having been no material change in the character of the property since acquisition;
- (b) To other Local Authorities, to Central Government, Statutory Undertakers and any other public bodies or housing associations;
- (c) By public auction, tender or private treaty at the discretion of the Director for the Environment.

In all cases disposal should be at the best consideration that can reasonably be obtained.

20. Where either the capital payment does not exceed £250,000 or the annual rental does not exceed £25,000
- (a) the Director for Corporate Resources may, on the advice of the Asset Management Group and after consultation with the Cabinet Member for Corporate Resources, authorise and approve the acquisition of land and the taking of leases, licences, dedications and easements of or over any land (including buildings) whether by way of valuable consideration or exchange.
  - (b) the Director for Corporate Resources may, on the advice of the Asset Management Group and after consultation with the Cabinet Member for Corporate Resources, authorise and approve the granting, or variation in granting, of leases, licences, easements or dedications of or over any land.
21. After consultation with the Director for Environment to review rents of staff housing properties on the basis of the "fair rent" as assessed by the Rent Officers and for such reviews to be undertaken on a triennial basis.
22. To apply rent reviews for teachers and other staff houses, undertaken annually by the Director for Environment.
23. To approve the purchase of properties adversely affected by road schemes which have been approved by the Cabinet and are in the approved capital estimates, in accordance with Section 246 of the Highways Act 1980, where the Director for Environment is satisfied that works of construction or improvement for the subsequent use of the new highway will seriously affect the enjoyment of the property to such a degree as to make life there intolerable.
24. After consultation with the appropriate service Director to accept blight notices and to approve the purchase of land which is statutorily blighted and to approve counter-notices where he considers there is no such statutory obligation.

## **Appendix to Schedule 4: Scheme of Delegation to Officers**

25. To authorise sponsorship and advertisement arrangements for any County Council property.
26. After consultation with the Director of Children's Services to approve a conveyance to school trustees of the "School Element" of voluntary school sites according to the requirements of the Education Acts.

### Human Resources matters

27. (a) To make awards in accordance with the Superannuation Regulations (Injury Allowances) equal of 50% of:-
  - (i) the pension the employee would have received but lost completely because at the time of their enforced early retirement they did not have sufficient qualifying service for a pension;
  - (ii) the additional pension the employee would have received but for the enforced early retirement;
  - (iii) the additional pension the employee would have earned had they not had to take lower paid employment (involving a lower rate of pay and/or reduced hours) because of the injury.

In all cases such allowances, together with any State Injury Award, must not exceed the total pension the employee could have earned.

Where in any particular case and for whatever reasons, an allowance within these guidelines is considered inappropriate then the Director shall consult with the Cabinet Member for Corporate Resources before making a determination.

28. After consultation with the Cabinet member for Corporate Resources, to make amendments to the operation of the Labour Market Adjustment Scheme.
29. After consultation with the Cabinet member for Corporate Resources, to agree any variations to the Job Evaluation Handbook on Implementation, Maintenance and Market Forces.
30. To implement pay awards for adult education tutors formerly paid under nationally determined further education pay arrangements.
31. To authorise variation of allowances to home care assistants for use of scooters, mopeds and bicycles having regard to changes in other related rates.
32. To make variations in certain traveling allowances for home care assistants having regard to allowances agreed for the time being by the National Joint Council for Local Authorities, Administrative, Professional, Technical and Clerical Services.
33. To determine redeployment outcomes in cases where it is not otherwise possible to negotiate redeployment(s) with senior managers, advised by the Head of Human Resources and Exchequer Services.

## **Appendix to Schedule 4: Scheme of Delegation to Officers**

### Other Matters

34. To approve applications under Regulation E5(6)(b) of the Superannuation Regulations 1986 where the second marriage is dissolved or the husband dies subject to the wife not being materially better off by reason of her second marriage.
- \*35. To nominate staff to occupy former staff houses now managed by the Sovereign Housing Association.
- \*36. After consultation with the Cabinet member for Corporate Resources, to appoint persons to serve on Appeals Panels (appeals against admissions and exclusions decisions).
- \*37. To submit observations, following consultation with the relevant Director, to the Department of the Environment, Food and Rural Affairs on proposals by the National Trust to declare land inalienable.
38. After consultation with the Cabinet Member for Corporate Resources, and the relevant Director for the service which holds the information, to approve the charges for re-use of County Council information under the Re-Use of Public Sector Information Regulations.
39. To make decisions with the agreement of the Chair or Deputy or, in their absence, a member of the relevant Committee or Cabinet, provided an urgent decision is required of that Committee or Cabinet, and only where it is not possible to lawfully convene a meeting given the urgency of the matter.

### **Powers to be delegated to the Director for Children's Services**

1. To authorise surveillance under the Regulation of Investigatory Powers Act 2000, in respect of the Children's Services Directorate.
2. To approve the future transfer of control agreements upon receipt of appropriate legal and valuation advice.

### **Grants – Learning and School Improvement and Inclusion Services**

3. To approve in-service training grants for courses of up to one year's full time duration or part time equivalent in the case of centrally employed teachers.
4. To approve grants to parents for board and lodging allowances if they qualify according to scale.
5. After consultation with the Cabinet Member for Children's Services, to give a grant to organisations which lease land used for education purposes, in order to reduce the economic rent.

### **Grants – Student Services**

6. After consultation with the Cabinet Member for Children's Services, to allocate monies from the Marras Prize, The Dixon Galpin Memorial Fund, The Mary

## **Appendix to Schedule 4: Scheme of Delegation to Officers**

Coffin Scholarship Fund, the Sir Reginald Pinney Scholarship Fund and the Francis Ramage Prize fund.

### **Grants – Youth and Community Service**

7. After consultation with the Cabinet member for Children's Services to allocate various revenue grants and, when available, capital grants to voluntary youth organisations.
8. To approve amendments to the schemes of management of voluntary youth centres.

### **Integrated Services – Student Services**

9. To review annually, in consultation with the Chief Financial Officer, the income assessment scale and arrangements as part of the school education maintenance allowance scheme.

### **Integrated Services – Youth and Community Service**

10. To consider conditions of service matters with youth worker representatives nominated by the associations representing youth and community workers and after consultation with the Cabinet Member for Children's Services, to approve the detailed arrangements.

### **Integrated Services – Sure Start**

11. To approve the allocation of a concession to any recognised non-profit making voluntary sector pre-school group which forms part of the Early Years Development Plan, up to the full market value of land/accommodation (excluding services) as determined by the Director for Environment.

### **Integrated Services – ESWAS**

12. To exercise the duties, powers and discretions of the Local Authority with regard to school attendance.
13. To inspect admission and attendance registers of maintained schools in Dorset.

### **Learning and School Improvement and Inclusion Services**

14. In the case of centrally employed teachers:-  
To approve applications for leave of absence:
  - a. with pay
    - i. in respect of Headteachers
    - ii. for teaching staff in excess if the scales set out subject to special cases being submitted to the committee.
    - iii. for public centres
  - b. without pay
    - i. for Headteachers
    - ii. for teaching staff in excess of three days subject to special cases being submitted to the committee.
    - iii. for teaching staff standing as Parliamentary Election candidates

## **Appendix to Schedule 4: Scheme of Delegation to Officers**

- c. to exercise discretion in respect of teachers sick leave;
  - d. to approve special responsibility awards to teachers;
  - e. dealing with the grouping arrangement for new schools and other matters which come within discretionary provisions in the Teachers Pay and Condition documents, subject to cases of particular difficulty being referred to the committee for decision.
15. To decide upon any matter contained in the Redundancy Procedures for Teachers where it is not a specific requirement that the decision shall be made by Elected Members.
16. To approve the underwriting of the costs of early retirement if teaching staff in the circumstance set out in Appendix A, as amended, to the joint report by the Acting Director of Education and the Director for Resources submitted to the Education Overview Committee on 12 June 2000.
17. To operate the local disciplinary procedure for teachers not attached to individual schools and to appoint a panel of three officers to deal with individual cases, where necessary.

### **Learning and School Improvement**

18. In consultation with the Director for Corporate Resources to authorise the paying of the maximum allowance for personal accident insurance for employees in any case falling within the terms of education co-ordination Sub-Committee Minute 126(a) 1984 and that other case be referred to the Cabinet for a decision.
19. To deal with requests from governing bodies to review their constitutions.
20. To alter the charge for instrumental music tuition as necessary from time to time in consultation with the Director for Corporate Resources.
21. To intervene in those school causing concern to bring about improvements as defined in the Department of Children's, Schools and Families Code of Practice and the Authority's policy on intervention.
22. To assist with boarding education in cases of extreme financial hardship in consultation with the Director for Corporate Resources and the referral of exceptional cases to the Children's and Adult Services Appeals Committee for decision where appropriate.
23. To issue licences in respect of:-
- a. employment of children;
  - b. children participation in public performances.
24. To approve in principle projects for school swimming pools.
25. To authorise the provision and moving of temporary classrooms.
26. To determine proposals to establish, discontinue or alter Community Schools where the proposals do not require the approval of the Secretary of State as set out in Sections 28 and 29 of the Schools Standards and Framework Act 1998.



## **Appendix to Schedule 4: Scheme of Delegation to Officers**

27. After consultation with the Department for Education, to approve the amount of Local Authority's contribution towards the cost of enlargement and improvement schemes at Voluntary Aided schools in accordance with the requirements of the Education Acts.
28. In conjunction with the Director for Environment to decide on the type of cooking equipment to be installed in school kitchens.
29. To approve any proposal to invite a person from outside the County to perform an opening ceremony of new community schools (with the concurrence of the Chief Executive and after consultation with the Cabinet Member for Children's Services).
30. To prohibit the use of a vehicle for school purposes if the Director for Children's Services, or his agent, considers it to be untrustworthy.
31. To issue permits under the Transport Act 1985 to schools or bodies which fulfil the duty of the designated body under the Education Act 1996 in respect of the provision of education, and bodies connected with such schools or bodies.
32. To approve admission of children to school on an exceptional basis prior to the single entry of 4 year old children in September each year.
33. To make arrangements for admission of pupils to Community and Voluntary Controlled primary and secondary schools.
34. To vary admission numbers unless contentious issues are raised during consultation.
35. To approve future school term and holiday dates.
36. After consultation with the Cabinet Member for Children's Services and on notification of the local Member, to issue directions as to the occupation and use of school premises where the matter is one of such urgency that it cannot be delayed until the next meeting of the Cabinet.
- 37a. When there is one application for a Local Authority governor and one governor appointment to be made, to make the appointment after allowing the local Member four working days to comment.
- 37b. After consultation with the Cabinet member for Children's Services and the local County Council member(s), to make those appointments previously made by the Education Appointments Advisory Panel.
38. After consultation with the Cabinet Member for Children's Services and the local Member(s), to make decisions on requests from governing bodies of schools for support for proposed federations which do not have budget implications.
39. After consultation with the relevant local Member(s), to make decisions involving catchment area changes on the understanding that the proposal attracts little or no objection and has minimal budgetary implications.
40. After consultation with the Cabinet Member for Children's Services, to approve amendments to joint provision agreements throughout the County.

## **Appendix to Schedule 4: Scheme of Delegation to Officers**

41. To approve after consultation with the Chief Financial Officer, changes in inter-authority payments rates.

### **Inclusion Services**

42. To approve admission to special schools and bases.
43. To approve admission to non-local authority specialist schools.
44. To exercise the duties, powers and discretions of the Local Authority with regard to pupils with special educational needs.
45. To deal with requests for home tuition/education otherwise than at school.
46. To approve the provision of transport and escorts when required for children with special education needs in accordance with local authority policy.

### **Children and Families – Children in Care**

47. To make grants for holidays for children in care which are in excess of the amount set out in the annual review of charges and allowances.
48. To provide gifts on appropriate occasions to children and young people in the care of the authority, and to foster parents.
49. Within the 'Project Plus' Fostering Scheme, to pay retainer fees at the full fee rate beyond the usual maximum period of four weeks.
50. In exceptional circumstances, to pay up to the maximum of the fostering allowance rate in circumstances where children have previously been fostered and a Residence Order has been made.
51. To authorise the appointment of suitable independent persons to serve on the Fostering Assessment Panel.
52. In relation to the Dorset Agency Adoption Panel to:-
  - a. deal with the detailed arrangements regarding the appointment and tenure of office of members;
  - b. appoint a Chairman and Vice-Chairman from those panel members who are officers of the Directorate and who have the personal qualities and experience of adoption work to carry out the roles;
  - c. appoint to the Panel persons nominated as independent persons.
53. To take all decision required of the Adoption Agency following recommendation from the Dorset Agency Adoption Panel.
54. To approve compensatory payments not exceeding £1,000 for any one incident in cases arising from:-
  - a. damage caused by a child or young person looked after by the authority;
  - b. accidental damage to or loss of clothing or property of service users in establishments run by the Directorate; and
  - c. incidents involving any service user in receipt of a service from the County Council in their own time.

## **Appendix to Schedule 4: Scheme of Delegation to Officers**

Where the loss or damage cannot be met in full from a claim on the County Council's insurers or any other insurance policy.

55. By Local Managers specifically authorised by the Director: To approve compensatory payments in the same circumstances as above but up to a limit of £500 for any one incident.

### **Planning, Performance and Commissioning – LAA and DSP**

56. To fulfil the directorates responsibility to contribute to LAA targets with relevance to children and young people.
57. To meet statutory requirements, ensuring that the Children's Trust Board is firmly positioned with the DSP statutes to champion the interests of children and young people within this forum and ensure that the Children and Young People's Plan is fully consistent with the Strategic vision in the Sustainable Community Strategy.
58. To release or expend pooled funding of the Local Area Agreement relating to children and young people, acting under the guidance of the Children's Trust.

### **Planning, Performance and Commissioning – Children's Trust**

59. The Children's Trust Board was placed in a statutory footing from 1 April 2010. The Apprentice, Skills, Children and Learning (ASCL) Act 2009 requires each local authority to establish a Children's Trust Board as part of its arrangements to promote cooperation to improve wellbeing for children and young people under Section 10 of the Children's Act 2004. Planning, Performance and Commissioning functions include the responsibility to develop and support the Children's Trust Board and enable the authority to comply with the new legislation.

### **Planning, Performance and Commissioning – Children and Young Peoples Plan (CYPP)**

60. To collaborate and drive the CYPP which becomes the joint strategy in which the Trust partners (including the local authority) set out how they will co-operate to improve the well-being of children and young people. This is achieved by identifying the main cross cutting priorities and as such falls within the responsibility and scope of this cost centre.

### **Planning, Performance and Commissioning – Commissioning Streams**

61. To fulfil the Local Authority responsibilities to have regard to the Children's Trust Plans and develop a comprehensive commissioning programme to meet those priorities.

### **Planning, Performance and Commissioning – Complaints**

62. To comply with current legislation with regard to the appropriate discharge of the duties allocated with complaints.
63. To ensure that appropriate steps are undertaken to implement learning from complaints.

## **Appendix to Schedule 4: Scheme of Delegation to Officers**

### **Planning, Performance and Commissioning – Contracts**

64. To ensure that all procurement activities are compatible with UK and EU law and procurement regulations.
65. To comply with the code of practice for relevant lead agency in the care of Children's Services Directorate this being the Dorset Procurement Strategy.

### **Planning, Performance and Commissioning – Planning and Performance**

66. To fulfil the authorities responsibility for the compilation and return of statutory information including children and families, Sure Start, Learning and School Improvement etc.

### **Planning, Performance and Commissioning – Business Continuity – Risk Management**

67. To ensure adequate measures are in place to mitigate all risks identified in the delivery of children and young people's service and discharging the priorities identified in the CYPP.
68. To maintain an effective service to children and young people as part of the outlined business continuity arrangements.
69. To ensure Children's Services Directorate comply with current legislation in relation to health and safety.

### **Other General Delegations**

70. To take such action as considered necessary for the proper and effective provision of services under the terms of the following legislation, including related regulations:-

Adoption and Children's Act 2002  
Bail Act 1976 Care Standards Act 2000  
Carers and Disabled Children Act 2000  
Carers (Equal Opportunity) Act 2005  
Children Acts 1989 and 2004  
Children and Young Persons Act 1933 and 2008  
Children and Young Persons Act 1969  
Children (Leaving Care) Act 2000  
Chronically Sick and Disabled Persons Act 1970  
Crime and Disorder Act 1998 Criminal Justice Act 1991  
Criminal Justice and Court Services Act 2000 Data protection Act 1998  
Disability Discrimination Act 1995  
Disabled Persons (Services Consultation and Representation) Act 1986  
Education Act 1996  
Health Act 1999  
Health and Social Care Act 2001  
Health and Social Services and Social Security Adjudications Act 1983  
Human Rights Act 2000  
Local Authority Social Services Act 2001  
Local Government Act 2000  
Local Government and Housing Act 1989  
Mental Health Act 1983 as amended National Health Service Act 1977  
National Health Service and Community Care Act 1990

## **Appendix to Schedule 4: Scheme of Delegation to Officers**

Nationality, Immigration and Asylum Act 2002  
Police and Criminal Evidence Act 1984  
Powers of Criminal Courts (Sentencing) Act 2000  
Protection of Children Act 1999

### **Powers delegated to the Director for Environment**

#### Grants

- \*1. To review annually grant payable to Borough, District, Town and Parish Councils for the provision of bus shelters, to reflect the rate of inflation.
- \*2. To award grants of up to £5,000 to churches and other religious establishments.
3. To administer Conservation Area Partnership Grants (previously known as Town Scheme Grants), within approved policies (see also Development Control Sub-Committee Minute No 18/1996).
- \*4. After consultation with Dorset Community Action's Capital Grants Committee, to approve grants to village halls of up to £500 which may arise between meetings of the Cabinet.
- \*5. After consultation with the Cabinet member for Environment, to make donations to relevant voluntary and charitable bodies up to the sum of £250, where an organisation has assisted with the management of the County Farms Estate.
- \*6. To approve grants of up to £500 from the Heathland and Habitat Management Fund to assist financing voluntary groups carrying out heathland and wildlife habitat conservation projects.
7. To submit applications on behalf of the County Council for conservation area, listed building and scheduled ancient monument consents.
8. To grant consent for the relaxation of user covenants relating to the Bournemouth International Airport.

#### Local Government (Miscellaneous Provisions) Act 1953

- \*9. To approve the erection or installation of:
  - (a) Bus shelters
  - (b) Telephone kiosks
  - (c) Post boxes and other public utilities services
  - (d) Roadside seats
  - (e) Notice boards or other similar structures
  - (f) Public seats

#### Forestry Act 1967

- \*10. To submit observations on applications for Tree Felling Licences referred to the County Planning Authority.
- \*11. To respond to consultations on Woodland Grant Schemes and Felling

## **Appendix to Schedule 4: Scheme of Delegation to Officers**

Licences (after consultation with the appropriate local member.)

### Minerals (Quarries And Tips) Act 1969

- \*12. In an emergency to exercise any of the Councils powers and duties relating to disused tips.

### Agriculture Act 1970

13. Section 47 (part only): To serve statutory notices in relation to breaches of tenancy, including the serving of notices to quit and accepting surrenders of tenancies.

### Local Government Act 1972

- \*14. In relation to County Farms:

- (a) To accept surrenders of tenancies.
- (b) To exercise day to day management.
- (c) To set market rents of new tenancies and review rents of existing tenancies.
- (d) To grant consents to plough permanent pasture.
- (e) To decide on tenants requests to remove hedges and pipe ditches.
- (f) To grant easements and wayleaves over the County Farms Estate.
- (g) To decide matters relating to County Farms tenancies following recommendations from the County Farms Interview Panel.

### Land Compensation Act 1973

- \*15. To settle claims under Part 1 of the Land Compensation Act 1973 and to report to:
- (a) each subsequent Cabinet any settlement in excess of £50,000 reached since the previous meeting; and
  - (b) annually, to the meeting of the Cabinet in March, with a schedule of all settlements reached in the previous year.
- \*16. After consultation with the Cabinet member for Strategic Planning and Transportation to approve applications for discretionary noise insulation grants for highways schemes in the County.

### Local Government (Miscellaneous Provision) Act 1976

17. To approve (on behalf of the highway authority) the sites of Hackney Carriage Stands.
- \*18. To issue requisitions for information as to interests in land.

### Refuse Disposal (Amenities) Act 1978

- \*19. Section 4: To dispose of removed vehicles

### Highways Act 1980

- \*20. To undertake corrections to the list of highways under Section 36 of the

## Appendix to Schedule 4: Scheme of Delegation to Officers

Highways Act 1980, after consultation with the Monitoring Officer .

21. To exercise the powers and duties of the County Council under the Highways Act 1980:
  - \*Section 36: Granting licenses for 'sitting out'
  - \*Section 37: Objecting to a highway becoming maintainable at the public expense
  - \*Section 38: Authorising entering into agreements with estate developers for the making up and taking over of estate roads
  - \*Section 59: Recovering expenses due to extraordinary traffic
  - \*Section 73: Contravention of an improvement line
  - \*Section 74: Contravention of a building line
  - \*Section 79: Preventing obstruction to view at a corner
  - \*Sections 82-90 Provision of cattle grids
  - \*Section 96: Planting trees in highway
  - \*Section 100: Interference with drainage of highway
  - \*Section 101: Filling in roadside ditch
  - \*Section 131: Damage to highway
  - \*Section 132: Unauthorised marks on highways
  - \*Section 133: Damage to footway by excavation
  - \*Section 136: Damage to highway consequent on exclusion of sun and wind
  - \*Section 137: Willful obstruction of highway
  - \*Section 138: Erection of building or fence or planting hedge or shrub in highway
  - \*Section 139: Control of builders skips on the highway
  - \*Section 140: Removal of builders skips from the highway
  - \*Section 141: Restriction on planting of trees in or near carriageway
  - \*Section 142: Licences to plant trees, shrubs etc in highway
  - \*Section 143: Removal of structure from highway
  - \*Section 144: Erection of flagpoles etc on highway
  - \*Section 145: Gate across highway
22. To grant consents in accordance with Section 147 of the Highways Act 1980 for the erection of stiles etc in footpaths or bridleways.
23. To exercise the powers and duties of the County Council under the Highways Act 1980:-
  - \*Section 149: Removal of anything deposited on highway so as to be a nuisance
  - \*Section 151: Preventing soil or refuse being washed into street
  - \*Section 152: Removal of projection from building
  - \*Section 153: Doors opening onto highway
  - \*Section 154: Cutting or felling trees etc that overhang or are a danger to roads or footpaths
  - \*Section 156: Restriction on breaking up by statutory undertakers of maintainable highway recently closed or resurfaced
  - \*Section 163: Prevention of water falling or flowing onto highway
  - \*Section 164: Removal of barbed wire
  - \*Section 165: Dangerous land adjoining street
  - \*Section 169: Control of scaffolding on highway
  - \*Section 170: Control of mixing mortar etc on highway
  - \*Section 171: Temporary deposit of building materials and making excavation

## Appendix to Schedule 4: Scheme of Delegation to Officers

- in street
  - \*Section 176: Restrictions on construction of bridges over highway
  - \*Section 178: Restriction on placing rails, beams or cables over highway
  - \*Section 184: Crossings over footways and verges
  - \*Section 185: Power to install or consent to installation of refuse or storage bins in streets
  - \*Section 189: Revocation and amendment of new Street Orders
  - \*Section 193: Imposition of requirements as to width of new streets in case of plans deposited under new street bylaws
  - \*Section 197: Removal or alteration of work not in conformity with bylaws
  - \*Section 198: Execution of work otherwise than in accordance with conditions
  - \*Section 219: Exemption under advance payments code and action on contravention
  - \*Section 220: Determination of liability and amount of payment under advance payments code
  - \*Section 228: Power to adopt roads by notice
  - \*Section 230: Urgent repairs to private streets
- \*24. To approve the erection or installation of:-
- (a) Guardrails
  - (b) Fencing
  - (c) Street refuges
  - (d) Litter baskets
  - (e) Pavement gratings
  - (f) Speed and red light enforcement camera housings and associated equipment
- \*25. After consultation with the Cabinet member for Highways and Transportation to authorise agreements under Section 278 of the Highways Act 1980:-
- (a) where a developer has agreed to fund the whole cost of the scheme;  
or
  - (b) where the contribution of the highway authority is below £5,000.
- \*26. To determine future proposals and applications under Part VIIA of the Highways Act 1980, subject to any proposals with unresolved objection being reported to the Roads and Rights of Way Committee for decision.
- \*27. To apply to the Secretary of State for the reclassification of highways.
- \*28. To adopt streets made up to the Council's requirements.
- \*29. To enter into agreements for the maintenance of apparatus and supply of electricity for highway purposes.
- \*30. To erect and move lighting columns.
- \*31. To accept the dedication of land where no more than limited accommodation works are involved.
- \*32. To grant consents to the placing of telegraphic equipment over or along streets.



## **Appendix to Schedule 4: Scheme of Delegation to Officers**

- \*33. To approve signs overhanging public highways.
- \*34. To approve the erection of banners over streets.
- \*35. To make grants to cover maintenance of rights of way by Parish Councils.
- 36. To make observations on applications to stop-up or divert highways.
- \*37. To deal with the letting of sites for advertising purposes in pedestrian subways.
- \*38. To approve, after consultation with the Director for Corporate Resources, and in negotiation with the NFU, future increases in rates paid to farmers under the snow plough scheme.
- 39. In the case of creations and diversions of rights of way, to certify that the new path is in a fit condition for use by the public.
- 40. To grant temporary diversions of rights of way in connection with ploughing.
- 41. After consultation with the Monitoring Officer, to publish relevant notices and carry out the necessary consultations with regard to applications for barriers on bridleways and to determine unopposed applications, but where objections or representations are received the application be referred to the Roads and Rights of Way Committee for determination.
- 42. After consultation with the Chairman of the Roads and Rights of Way Committee, to comment on behalf of the County Council, on any public path orders made by a district council in exercise of their concurrent powers, whether there are likely to be objections from other sources or not and where they consider it appropriate to lodge a formal objection to the Order on behalf of the County Council within the 28 day objection period. Any objection so lodged to be reported to the next meeting of the Committee for a decision on whether or not to pursue such objection formally at any subsequent public inquiry.
- 43. After consultation with the Monitoring Officer to make applications to the Magistrates' Court under Section 116 of the Highways Act 1980 to enable the stopping-up of highway land not needed for public use, or to enable the diversion of highway land where it can be diverted so as to make it nearer or more commodious to the public, where the cost falls within approved budgets or is to be met by a third party.

## **Appendix to Schedule 4: Scheme of Delegation to Officers**

- 43a After consultation with the Chairman of the Roads and Rights of Way Committee, to make public path diversion, extinguishment and creation orders where pre-order consultations relating to proposals give rise to no indication of opposition (in cases not involving County Council properties).
- 43b To confirm published public path orders to which no objections have been received (in cases not involving County Council properties).
- 43c After consultation with the Chairman of the Roads and Rights of Way Committee, to set the level of charge to be made to applicants for public path orders.

### Wildlife and Countryside Act 1981

- 44. To give any necessary consent, subject to any conditions he may consider necessary, for the creation, diversion or extinguishment of rights of way where there is no objection or question of compulsory action.
- 44a After consultation with the Chairman of the Roads and Rights of Way Committee and the relevant local member(s) to make definitive map modification orders in cases not involving County Council properties and to which no indication of opposition has been received during the course of pre-order consultations (which would be highlighted in the report to the Chairman of the Roads and Rights of Way Committee and the local member(s)).
- 44b To confirm published definitive map modification orders to which no objections have been received following statutory notice procedures (in cases not involving County Council properties).
- 45. To comment upon proposals by English Nature for the following new designation of sites:
  - (a) Sites of Special Scientific Interest
  - (b) National Nature Reserves

### Local Government (Miscellaneous Provisions) Act 1982

- 46. After consultation with the Cabinet members for the Environment and for Highways and Transportation in the event of disagreement with the District Council, dealing with applications to the Highway Authority under the Local Government (Miscellaneous Provisions) Act 1982 for approval of advertisements on the public highway.
- 47. To determine applications for consent of the Highway Authority for the purposes of street trading where a District Council has resolved to adopt Schedule 4.

### Road Traffic Regulation Act 1984

- \*48. To exercise the powers and duties of the County Council under the Road Traffic Act 1984:-
  - Section 14: Temporary prohibition or restriction of traffic on roads
  - Section 69: Removal of traffic signs

## **Appendix to Schedule 4: Scheme of Delegation to Officers**

- \*49. After consultation with the County Council member for the area concerned, to make orders under Section 16 A-C of the Road Traffic Regulation Act 1984.
- \*50. To approve the erection or installation of:-
  - (a) Permanent traffic signs
  - (b) Temporary traffic signs (not exceeding one year)
  - (c) Road markings
- \*51. To authorise the appointment of School Crossing Patrols and provision of their uniform and equipment.
- \*52. To give consent to District Councils and where appropriate Parish Councils to implement car parking proposals.
- \*53. To approve the erection and installation of cycle facilities on highway authority land.
- \*54. To issue keys for the erection and removal of barrier posts erected pursuant to any Traffic Regulation Order made by the County Council where this is appropriate.
- \*55. To authorise, in appropriate cases, the institution of the necessary procedures for the advertisement of Traffic Regulation Orders, pedestrian crossing and other traffic calming measures.
- \*56. After consultation with the Cabinet Member for Highways and Transportation, to authorise the making of Traffic Regulation Orders pedestrian crossings and other traffic calming measures where no objections have been received either from town/parish/district councils, police, local member or the public following advertisement, and that such authorisations be reported retrospectively to the Cabinet.
- \*57. To approve the siting of bus stops.
- \*58. To advertise traffic regulation orders for the creation of disabled parking bays outside residential properties without the need for prior consultation beyond that required in legislation.

### Transport Act 1985

- \*59. In relation to public transport - payment of bus subsidies - to continue to negotiate, subject to the County Council's Standing Orders, de minimus agreements direct with individual operators under the provisions of the Transport Act 1985.
- \*60. After consultation with the Cabinet member for Highways and Transportation, to seek proposals by competitive tender to provide replacement services for newly de-registered bus services for a six month period, and to provide service subsidies for such services within the existing budgets.
- \*61. After consultation with the Cabinet member for Highways and Transportation to withdraw subsidy from low priority bus services, if District Councils are unable to provide the necessary additional financial support to continue to run these services.

## **Appendix to Schedule 4: Scheme of Delegation to Officers**

### Agricultural Holdings Act 1986 And Agricultural Tenancies Act 1995

- \*62. To grant consents under the Agricultural Holdings Act 1986 and the Agricultural Tenancies Act 1995, for tenants' improvements and fixtures.

### The Environment Act 1990

- \*63. To determine commercial applications for recycling credits, in accordance with the principles set out in the report to the Transportation Committee on 16 January 1996.

### Rights Of Way Act 1990

64. To authorise in writing any person:
- (i) to enter onto any land, for any purpose connected with the carrying out of work in accordance with the Rights of Way Act 1990 and to take with them any such vehicles, machinery and other equipment as may be requisite; and/or
  - (ii) to enter onto any land for the purpose of obtaining information pursuant to the Rights of Way Act 1990.

### Town And Country Planning Act 1990

65. Where the County Council is not the determining planning authority, after consultation with the Cabinet member for the Environment or Highways and Transportation, to enter into agreements with developers under Section 106 of the Town and Country Planning Act 1990 in order to secure developer contributions towards infrastructure improvements and initiatives.
- \*66. To respond to consultations on Local Plans when the timescale for response does not allow time for consideration by the Cabinet, after consultation with the Cabinet member for the Environment and appropriate local members, and subject to a report being made to the next meeting of the Cabinet.
- \*67. To respond to consultation on Local Development Framework Development Plan documents and supplementary planning documents where there are matters of a minor nature, after consultation with the Cabinet member for Environment and appropriate local members in all cases.
- \*68. To respond to consultation on Local Development Framework Development Plan Documents and supplementary planning documents on matters of magnitude or a controversial nature, where the timescales for response do not allow time for consideration by the Cabinet, after consultation with the Cabinet member for Environment and appropriate local members in all cases, and subject to a report being made to the next meeting of the Cabinet.

### New Roads and Street Works Act 1991

- \*69. Section 50: Licences to place certain apparatus in or under a highway.
- \*70. In consultation with the Director for Corporate Resources, to enter into agreements with cable operators, to protect the interest of users of the highway and the highway authority, and to recover from the operators the

## **Appendix to Schedule 4: Scheme of Delegation to Officers**

costs of inspection of reinstatement of the highway.

- \*71. To grant easements and licences for works in highways and to obtain easements and licences on adjacent land for highway purposes.

### Environmental Information Regulations 1992

- \*72. With the Monitoring Officer, to make day to day decisions concerning publicising, releasing, attaching disclaimers to, and safeguarding the Authority's liability with regard to environmental information and to set a scale of charges in accordance with the Environmental Information Regulations 1992 for the costs attributed to providing the information.

### Town and Country Planning General Regulations 1992

- \*73. To submit applications for planning permission on behalf of the County Council, under Regulation 3 of the Town and Country Planning General Regulations 1992

### Pollution Prevention and Control (England And Wales) Regulations 2000 and The Environmental Protection Act 1990

- \*74. To respond to consultations by the Environment Agency on draft Waste Management Licences and permits under the Pollution Prevention Control regime.

### Flood and Water Management Act 2010

- \*75. After consultation with the Cabinet member for Environment, to make minor amendments to the wording of the County Council's adopted local flood risk management strategy to clarify the intended meaning.
- \*76. To consult with other local flood risk management authorities and the public on the local flood risk management strategy.
- \*77. To prepare a summary of the local flood risk management strategy and after consultation with the Cabinet member for Environment, to publish that summary.
- \*78. To issue guidance about the application of the local flood risk management strategy, as necessary.
- \*79. To share information with other flood risk management authorities.
- \*80. After consultation with the Cabinet member for Environment, to arrange for a flood risk management function to be exercised on behalf of the County Council by another flood risk management authority.

## **Appendix to Schedule 4: Scheme of Delegation to Officers**

- \*81. After consultation with the Cabinet member for Environment, to accept or decline a request by the Environment Agency or a district council for the County Council to exercise a flood risk management function on its behalf.
- \*82. After consultation with the Cabinet member for Environment, to accept or decline a request by the Environment Agency for the County Council to exercise a coastal erosion risk management function on its behalf.
- \*83. To request information from a person in relation to the County Council's flood risk management functions.
- \*84. After consultation with the Cabinet member for Environment, to serve an enforcement notice and a subsequent penalty notice on a person for failure to comply with a request for information under Section 14 (when enabled).
- \*85. To act on behalf of Dorset County Council in investigating flood incidents to the extent deemed necessary or appropriate to determine:-
  - (a) which flood risk management authorities have relevant functions; and
  - (b) whether each of those authorities has exercised, or is proposing to exercise, those functions.
- \*86. To establish and maintain a register of structures that in his opinion, have a significant effect on a flood risk in Dorset, including a record of information about ownership and state of repair.
- \*87. To ensure that in carrying out the flood risk management functions of Dorset County Council he aims to make a contribution to sustainable development in accordance with Ministerial guidance.
- \*88. To designate structures or features that he considers affect surface water or groundwater flood risk.
- \*89. To issue consents to alter remove or replace designated features and to vary those consents.
- \*90. To serve an enforcement notice if a person alters, removes or replaces a designated feature without consent.
- \*91. After consultation with the Cabinet Member for Environment, to authorise a third party to take the steps specified in an enforcement notice and to require the person on whom the enforcement notice was served to pay expenses incurred.

## **Appendix to Schedule 4: Scheme of Delegation to Officers**

- \*92. After consultation with the Cabinet Member for Environment, to exercise emergency powers to remedy third party action contravening the requirement for consent to alter remove or replace designated features (where he considers the contravention may immediately and materially increase or alter a flood risk) and require the owner to pay expenses.
- \*93. To authorise persons to enter land.
- \*94. To agree compensation payable if, through the exercise of powers of entry, a person suffers loss or damage.
- \*95. To approve drainage systems for construction work.
- \*96. To define the form and accompanying information required for applications for approval of drainage systems for construction work.
- \*97. To impose appropriate conditions on the approval of drainage systems for construction work.
- \*98. To determine the level and require payment of a non-performance bond in relation to an approved drainage system and to authorise any work necessary to ensure that it is completed so as to be likely to operate in compliance with National Standards.
- \*99. To undertake procedures for adoption of sustainable drainage systems.
- \*100. To determine whether or not to undertake procedures for adoption of sustainable drainage systems where there is no duty to adopt.
- \*101. To initiate procedures and determine requests for adoption of sustainable drainage systems.
- \*102. To represent Dorset County Council at any appeal against decisions made.

### Land Drainage Act

- \*103. To exercise power to carry out works where deemed appropriate and funding has been approved.
- \*104. To issue consents to third parties to carry out work in or affecting the flow of ordinary watercourses.
- \*105. To issue enforcement notices for removal of obstructions in or affecting the flow of ordinary watercourses.
- \*106. To issue improvement notices to maintain the proper flow of water in ordinary watercourses.

## **Appendix to Schedule 4: Scheme of Delegation to Officers**

### Other General Delegations

- \*107. To waive the charge to applicants participating in the Cycle Proficiency Scheme in cases of hardship.
- \*108. To participate in any applications under the Finance Acts, (which provide for owners to claim exemption from Capital Transfer Tax on land of national significance).
- \*109. To approve rural transport schemes as and when they arise (such approvals to be reported to the Cabinet).
- \*110. After consultation with the Director for Corporate Resources as Chief Financial Officer, to set the level of charges for highway services in future years.
- \*111. To exercise the powers and duties of the County Council in relation to gypsies and travellers and in managing unauthorised encampments.
- \*112. To authorise the loan of items of specialist equipment under the control of the Director for Environment to other local authorities.
- \*113. To act as agent for the Countryside Agency in administering their grants for small amenity tree planting.
- \*114. To arrange award ceremonies for future Civic Trust winners.
- \*115. To comment upon proposals by English Nature for the following new designation of sites:-
  - (a) Special Protection Areas
  - (b) Special Areas of Conservation
  - (c) Ramsar Sites
- \*116. To make decisions on whether it would be expedient to take enforcement action in the public interest, and on what action would be in the public interest.
- \*117. To respond to property searches relating to minerals and waste.
- \*118. To select a short list of applicants for interview when County Farms holdings become available for re-letting.
- \*119. To authorise surveillance under the Regulation of Investigatory Powers Act 2000, in respect of the Environment Directorate.
- 120. After consultation with the Cabinet member for Environment and the Director for Corporate Resources as Chief Financial Officer, to apply for SALIX funding.



## **Appendix to Schedule 4: Scheme of Delegation to Officers**

### **Powers to be delegated to the Director for Adult and Community Services**

#### General

1. In exceptional circumstances, to vary assessments of financial contributions made by service users towards the cost of services.
2. To approve the setting up of amenity funds at residential and day care establishments together with the appointment of custodians of funds and auditors.
3. To approve compensatory payments not exceeding £1,000 for any one incident in cases arising from:-
  - (i) accidental damage to or loss of clothing or property of service users in establishments run by the Directorate; and
  - (ii) incidents involving any service user in receipt of a service from the County Council in their own homewhere the loss or damage cannot be met in full from a claim on the County Council's insurers or any other insurance policy.
4. To approve compensatory payments in the same circumstances as above but up to a limit of £500.00 for any one incident.
5. To approve applications for bars in residential establishments subject to the necessary club registration certificate being obtained.
6. To allocate staff to health centres or large group practices whenever this can be arranged with general medical practitioners.
7. To authorise surveillance under the Regulation of Investigatory Powers Act 2000, in respect of the Adult and Community Services Directorate.
8. To make decisions, after consultation with the Chairman of the Dorset Health Scrutiny Committee as to which regional scrutiny exercises the Committee should take part in.

#### Adult Education

9. To exercise discretion with regard to students payment of fees where classes commence with less, or fall to less, than the minimum number of students required as outlined in Higher and Further Education Sub-Committee Minutes No 52(b) and (c)/1980.
10. To approve refunds/remission of fees to students who attend adult education courses, for any exceptional circumstances not specified in Education and Libraries Community Services Sub-Committee Minute No 7.1/1999.
11. To exercise the Cabinet's powers relating to conditions of service of teachers in adult education, where decisions would not conflict with the County Council policy.
12. To retain the services of Adult Education Tutors engaged on a part-time basis beyond the age of compulsory retirement, such fixed term extensions of

## Appendix to Schedule 4: Scheme of Delegation to Officers

service to be of no more than 12 months duration and reviewed annually, subject to:-

- (i) no suitably qualified person under the age of 65 being available;
- (ii) the review to include an appraisal of the tutors teaching performance.

13. After consultation with the Director for Corporate Resources to negotiate and determine annual variations in the pay of adult education tutors formerly paid under nationally determined further education pay arrangements.
- \*13a To set the fees for Dorset Adult Learning, after consultation with the Cabinet member for Community Services
14. To set the fees for Dorset Adult Learning after consultation with the Cabinet member for Community Services.

### Grants – Cultural Services

- \*15. To determine applications
  - for small grants to Dorset museums.
  - from outside bodies for financial support towards arts and community activities, after consultation with the Cabinet member for Community Services.

### Trading Standards and Animal Health

- \*16. To approve, in consultation with the Cabinet member for Community Services, the schedule of fees for the Trading Standards Service.
- \*17. (a) To authorise appropriately qualified officers to exercise the powers and duties of inspectors, authorised officers and sampling officers as the case may be in accordance with the enactments listed in the Register of Delegations maintained by the Director for Adult and Community Services.  
(b) To authorise officers to make purchases of goods and secure the provision of services, accommodation or facilities as may appear expedient for determining whether the statutory provisions listed in the Register of Delegations maintained by the Director for Adult and Community Services are being complied with.
- \*18. To authorise officers to sign, issue, renew, transfer and refuse storage licenses in respect of petroleum spirit and petroleum mixtures, and attach such conditions as they think expedient to those licenses.
- \*19. To authorise officers to sign, issue, renew, transfer and refuse licenses and Certificates of Registration in respect of explosives and poisons.
- \*20. To authorise officers to serve suspension notices and safety notices in respect of Consumer Safety legislation and impose such conditions as he/she considers appropriate to a Suspension Notice.
- \*21. To agree levels of service with the Department for Environment, Food and Rural Affairs on behalf of the County Council in accordance with the national framework agreement on animal health and welfare.
- \*21a After consultation with the Cabinet member for Community Services, to appoint and alter the appointment of statutory food and agriculture analysts.

## **Appendix to Schedule 4: Scheme of Delegation to Officers**

### Dorset Registration Service Matters

22. After consultation with the Cabinet Member for Community Services, to set the level of fees for services provided by the Dorset Registration Service where the County Council has discretion to determine the amount to be charged.

### Libraries and Arts

- \*23. (i) To approve changes in library hours of opening and consequential variations in establishment of part time staff.  
(ii) To approve the selection of furniture, fittings and equipment for libraries.  
(iii) To approve the purchase of books with associated non-printed materials.
- \*24. To vary the reproduction charge for library materials in order to reflect the commercial nature of the request.
- \*25. To vary fees and charges for the Libraries and Arts Service.
- \*26. After consultation with the Cabinet Member for Community Services to vary charges for the hire of library premises.
- \*27. After consultation with the Chief Financial Officer and the Cabinet member for Community Services to make decisions relating to charges to local councils for the provision of additional library opening hours and to members of the public for the use of public access computers.

### Other General Delegations

28. To take such action as considered necessary for the proper and effective provision of services under the terms of the following legislation, including related regulations:-

Care Standards Act 2000  
Carers and Disabled Children Act 2000  
Carers (Recognition and Services) Act 1995  
Chronically Sick and Disabled Persons Act 1970  
Community Care (Delayed Discharges etc) Act 2003  
Criminal Justice Act 1991  
Data Protection Act 1998  
Disability Discrimination Act 1995  
Disabled Persons (Employment) Acts 1944 and 1958  
Disabled Persons (Services Consultation and Representation) Act 1986  
Health Act 1999  
Health and Social Care Act 2001  
Health and Social Services and Social Security Adjudications Act 1983  
Health Services and Public Health Act 1968  
Human Rights Act 2000  
Local Authority Social Services Act 1970  
Local Government Act 2000  
Local Government and Housing Act 1989  
Mental Health Act 1983 as amended  
National Assistance Acts 1948 to 1959 as amended  
National Health Service Act 1977  
National Health Service and Community Care Act 1990  
Police and Criminal Evidence Act 1984

## **Appendix to Schedule 4: Scheme of Delegation to Officers**

### **Powers to be delegated to both the Director for Adult and Community Services and the Director for Children's Services**

#### Grants

1. After consultation with the appropriate Cabinet Portfolio Holder, to allocate revenue grants to outside organisations except for any application involving policy issues or which is regarded as being sensitive in nature which will be referred to the Cabinet.

#### General

2. To make provision from within existing resources for international programmes organised by Adult and Continuing Education and the Youth and Community Services.
3. To authorise the provision of free transport, where necessary to students normally up to the age of 25 who have medical or special needs to attend local colleges of further education, on a door to door basis where it is considered essential and irrespective of the distance between home and college.
4. As a departure from the Contract Procedure Rules, to purchase second hand vehicles without inviting tenders.
5. To set and vary fees and allowances for people in the care of the authority, for those people who are in contractual relationship with the Directorate, for those who serve on panels, and for volunteers.
6. To implement an interest free loan scheme in respect of adaptations to homes of physically disabled people.
7. To approve, after consultation with the appropriate Cabinet Portfolio Holder the list of independent persons appointed to sit on the Complaints Review Panel.
8. After consultation with the Director for Corporate Resources to approve secondments of senior officers to the Health Advisory Service/Social Services Inspectorate or other similar statutory organisations, as and when appropriate, provided there is no detrimental effect on the County Council's services and that no cost will be incurred by the authority.
9. To approve and terminate contracts for conveyance of service users to day centres.
10. After consultation with the Chief Executive and Director for Corporate Resources, to make any reasonable and necessary arrangements for the provision of services for asylum seekers and refugees as and when required.
11. To agree not to provide items of equipment to disabled people by references to the exemplary list provided for the Social Services Scrutiny Committee on 14 October 1999 but that the discretion already held to supply items which are essential to maintaining disabled people in their own homes and which cannot be obtained through commercial outlets continue.
12. To approve specific minor improvements projects at Children's Services/Adult and Community Services establishments up to £30,000 (current costs): the limits be revised annually by the Chief Financial Officer in line with any changes in building costs.

## **Appendix to Schedule 4: Scheme of Delegation to Officers**

- \*13. After consultation with the Chief Financial Officer, to enter into Section 75 Agreements under the National Health Service Act 2006 where it is deemed advantageous to the County Council.

### **Powers to be delegated to the Monitoring Officer**

- \*1. To act as the person specified by the County Council as administering authority, to consider disputes in respect of the Local Government Pension Scheme referred under the Local Government Pension Scheme (Amendment) Regulations 2004, for Stage two reconsideration (deputising to be undertaken by the Head of Legal and Democratic Services).

### Safety of Sports Grounds

- 2. To authorise the service of prohibition notices under the provision of Section 10 of the Safety of Sports Grounds Act 1975 and to institute criminal proceedings under Section 12 of the Act.

### To be 'proper officer'

- 3. In relation to the following provisions:-
  - (i) The Local Government Act 1972:-
    - (a) Section 225(1) - the officer with whom documents shall be deposited.
    - (b) Section 229(5) - the officer who shall certify a photographic copy of a document in the custody of the Council or of a document which has been destroyed while in the custody of the Council, or of any part of such document.
    - (c) Section 234 - the officer who may authenticate documents on behalf of the Council.
    - (d) Section 236(10) - the officer who shall send copies of bylaws to district councils and receive the same from district councils.
    - (e) Section 238 - the officer who shall certify a printed copy of a bylaw of the Council.
  - (ii) The Local Government (Access to Information) Act 1985 and the Local Government Act 2000 and associated regulations.
- 4. To act as "Monitoring Officer" under Section 5 of the Local Government and Housing Act 1989, and the Local Government Act 2000.
- 5. To lodge appeals against refusals of Regulation 4 (applications) (of the Town and Country Planning General Regulations 1992), after consultation with the Director for Environment and the Cabinet Member for Environment Services.
- \*6. To approve a legal charge on land owned by the County Council where this has been required by the National Lottery or the Foundation for Sport and the Arts.
- 7. To institute, defend or settle legal proceedings or disputes in contemplation of legal proceedings on behalf of the County Council, to appear on behalf of the County Council, at public inquiries and at any other tribunal, to engage Counsel, and to take all necessary action in connection with such proceedings or contemplated proceedings.
- 8. To authorise the sealing or signature of any order, deed or other document necessary to give effect to a decision of the Council, or a committee, sub-

## Appendix to Schedule 4: Scheme of Delegation to Officers

- committee or officer acting under delegated powers.
9. To authorise Trading Standards Officers within the Adult and Community Services Directorate to institute legal proceedings, lay informations and make complaints, in respect of a breach of any statutory provision referred to in the Register of Delegations maintained by the Director for Corporate Resources and appear on behalf of the County Council before any Court of Summary Jurisdiction.
  10. To issue on behalf of the County Council certificates under the provisions of the Local Government (Contracts) Act 1997 with the issue of any such certificate to be reported to the next following meeting of the Cabinet.
  11. To determine applications to amend the register of common land and town and village greens (except applications to register or de-register land as common land and town and village greens).
  - \*12. To publish the necessary maps or lists to comply with the legal obligation of the County Council under the Noise Insulation Regulations 1975.
  13. In relation to damage to Scheduled Monuments, to initiate prosecution proceedings at the request of the Director of Environmental Services in appropriate cases if action is not being taken elsewhere.
  - \*14. With the Director for Environment, to make day to day decisions concerning publicising, releasing, attaching disclaimers to and safeguarding the Authority's liability with regard to environmental information and to set a scale of charges in accordance with the Environmental Information Regulations 1992 for the costs attributed to providing the information.
  15. To issue and serve requisitions for information and Enforcement Notices and (after consultation with the Cabinet member for Corporate Resources), stop notices under the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
  16. To institute and conduct proceedings in the High Court or County Court on behalf of the County Council as planning authority, including giving undertakings as to costs and damages, after consultation with the Cabinet member for Corporate Resources.
  17. To institute prosecutions in the appropriate court on behalf of the County Council as planning authority, including for non-compliance with Enforcement Notices, Breach of Condition Notices, and Stop Notices.
  18. To institute legal proceedings in the event of obstruction or other offences in connection with public rights of way.
  19. To make Definitive Map Modification Orders where the County Council is directed to make such orders by the Secretary of State for the Environment under paragraph 4(2) of Schedule 14 to the Wildlife and Countryside Act 1981.
  - \*20. To enter into dedication agreements for public footpaths and bridleways.
  21. To make orders under Section 257(3) of the Town and Country Planning Act 1990 for temporary stopping-up or diversion of footpaths and bridleways where

## **Appendix to Schedule 4: Scheme of Delegation to Officers**

it is necessary to carry out development under a planning permission, but, where objections are received, an order be referred to the Roads and Rights of Way Committee for consideration.

- \*22. To make application to a Justice of the Peace on the recommendation of the Director of Adult and Community Services for an appropriate Order where it becomes necessary for a registration of a Residential Care Home to be cancelled or amended urgently.
- \*23. After consultation with the Director of Children's Services and, empowered to make application to the Court for an appropriate Order in the event of a need to protect children in an emergency. (Day Care Services - Section 75 of the Children Act 1989).
- 24. To make legal event definitive map modification orders to modify the Dorset County Council definitive map and statement of public rights of way as a result of events specified in Section 53(3)(a) of the Wildlife and Countryside Act 1981.
- 25. After consultations with the Chairman of the Roads and Rights of Way Committee, to make public path diversion, extinguishment and creation orders where pre-order consultations relating to proposals give rise to no indication of opposition (in cases not involving County Council properties)
- 26. To confirm published public path orders to which no objections have been received (in cases not involving County Council properties).

### **Powers to be delegated to the Chief Executive, each Director and statutory officers**

- \*1. To make applications for planning permission, after consultation with the Director for Corporate Resources as Chief Financial Officer, the Monitoring Officer and the Director for Environment, through the Asset Management Group.
- \*2. After consultation with the Director for Corporate Resources as Chief Financial Officer to make arrangements for the leasing of all plant, vehicles and equipment where it is in the County Councils best interests to do so.
- \*3. To appoint private consultants of any profession when the Statutory Officer/Director has insufficient staff or there is a need for particular specialist assistance. Procedures for such appointments shall be in accordance with Standing Orders on Contracts.
- \*4. To approve the installation of telephones in the homes of employees, including the cost of installation rental and the cost of official calls, where a Statutory Officer/Director considers it absolutely necessary in the interests of the County Council.
- \*5. To make decisions about making individual posts redundant, or agreeing to an individual's early retirement, subject to the approval of the Personnel Appeals Committee in respect of the award of discretionary payments in cases which involve the early introduction of pension benefit.
- 6. To authorise officers to exercise such powers of entry, inspection and survey of land, buildings or premises and issue any necessary evidence or authority as

## **Appendix to Schedule 4: Scheme of Delegation to Officers**

may be appropriate to the execution of their duties and in respect of which the County Council has statutory powers.

7. To submit applications for external funding in support of County Council priorities subject to the County Council's contribution being less than the threshold for a key decision (£250,000) and funding being included within an approved budget and where a change of the County Council's policy is not required.

### **Powers delegated jointly to the Director for Children's Services and the Director for Corporate Resources**

- \*1. To vary from time to time, charges for concessionary travel on school buses in line with inflation.
2. To vary the charge of £3 for a replacement season ticket issued by the Children's Services Directorate from time to time in the light of inflation.
3. To review annually the payment to retired LEA staff who inspect pupils educated by their parents at home.
4. To approve the salaries of teachers on exchange contracts abroad.
5. To prepare the terms and conditions of new Education Trusts/Scholarships for registration with the Charity Commission.

### **Powers delegated jointly to the Director for Children's Services and the Director for Corporate Resources as Chief Financial Officer**

1. To approve individual requests for loans for youth centres to purchase minibuses having satisfied themselves that repayments and running and maintenance costs can be met.
2. To authorise any arrangements concerning a licensed deficit for a school exceeding £50,000 or any extension of the period of three years within which a school must set a recovery plan to overcome a significant budget deficit.

### **Powers delegated jointly to the Director for Environment and the Director for Corporate Resources as Chief Financial Officer**

- \*1. In exceptional cases of urgency, to modify the Capital Programme to incorporate:-
  - (i) any significant change in the specification or scope of a capital scheme at any time;
  - (ii) any significant change in the estimated cost of a project prior to contract letting;after consultation with the Cabinet member for Environment, and subject to the changes being reported to the next meeting of the Cabinet.



## **Powers delegated to other officers**

### **Powers delegated to the Head of Human Resources and Exchequer Services**

- \*1. To act as the person specified by the County Council as a scheme employer under the Local Government Pension Scheme (Amendment) Regulations 2004 to consider disputes about first instance decisions on pension matters.

### **Powers delegated to the Head of Community Services**

1. Proper Officer for Registration matters
2. Authorised to make arrangements for the implementation of Civil Partnership legislation under the Civil Partnership Act

### **Powers delegated to the Head of Planning**

1. To make all development control decisions, subject to the following exceptions which would require the decision of the Planning Committee:-
  - (i) Applications where the officers are recommending consent but the District Planning Authority has expressed a view that the application should be refused;
  - (ii) Applications where the officers are recommending consent but the development does not accord with the Development Plan and/or the relevant Government policy;
  - (iii) Applications where the applicant is the County Council and the application is for a major development as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2010;
  - (iv) Application which requires an Environmental Impact Assessment;
  - (v) All applications to which there is an objection from the local County Council member(s) be referred to the Planning Committee and not dealt with under delegated powers;
  - (vi) Any application from which compensation is likely to arise from the determination of a review of the Mineral Planning Permissions (ROMPS) Application;
  - (vii) Applications recommended for consent but where the Appropriate Assessment does not accord with the advice of Natural England;
  - (viii) Where a material objection has been raised against the application and the planning issues raised in that objection cannot be resolved through a planning condition or legal agreement but officers are nevertheless recommending consent.

The Head of Planning will retain the discretion to bring any other matter he deems appropriate before the Planning Committee.

The officers listed below are authorised under the Regulation of Investigatory Powers Act to permit surveillance for the purposes listed. The authorising officer must satisfy him or herself that the statutory tests for the authorisation of directed surveillance, the acquisition of communications data or the use of a covert human intelligence source have been met and that the use of the technique is necessary and proportionate. However, no such techniques may be used without the additional authorisation of a Justice of the Peace. The Director for Corporate Resources has delegated authority in relation to legal proceedings and has authorised certain officers in legal services and the trading standards service to make applications to a Justice of the Peace where one of the authorising officers listed below has permitted this.

<b><u>Regulation of Investigatory Powers Act 2000</u></b>	
<b><u>Post</u></b>	<b><u>Purpose of Authorisation</u></b>
Chief Executive	All purposes (including where there is a likelihood of acquiring confidential information)
Director for Corporate Resources (Chief Financial Officer)	All purposes (including but only in the absence of the Chief Executive where there is a likelihood of acquiring confidential information)
Monitoring Officer	All purposes (including but only in the absence of both the Chief Executive and Director for Corporate Resources where there is a likelihood of acquiring confidential information)
Director for Adult and Community Services	All purposes for Adult and Community Services (but excluding where there is a likelihood of acquiring confidential information)
Director for Children's Services	All purposes for Children's Services (but excluding where there is a likelihood of acquiring confidential information)
Director for Environment	All purposes for Environment Services (but excluding where there is a likelihood of acquiring confidential information)
Head of Planning	All purposes for Development Control (but excluding where there is a likelihood of acquiring confidential information)

## Delegations of people management matters under Manager Self Service

Delegations are to be exercised only within the framework of guidance and controls currently in operation. In particular, any exercise of authority under this scheme must be in accordance with guidance and procedures published on Insite (the corporate information framework) and take account of any supplementary advice provided by the Head of Human Resources and Exchequer Services and his/her staff.

The Scheme of Delegation operates on the basis that a post at a particular management level has delegated power for all matters which can be decided by any post at a more junior management level within line management to the post e.g. management level 1 posts also have delegated power within their line management structures for all matters delegated to levels 2 through to 5.

Management Level for MSS		Proposed Delegation  (all to be used in line with any relevant guidance on Insite)
0	Chief Executive, Directors and Statutory Chief Officers	(a) Early retirement recommendation.  and
1	Senior managers reporting direct to Level 0 (normally Heads of Service)	(a) Lease Cars – agreement to early termination of contract. (b) Redundancy recommendation. (c) Suspension and dismissal of all employees up to and including second tier (i.e. those not employed on the conditions of service for Directors). (d) Overpayments – recommendation for write off. (e) Approval of giving lectures by employees at courses during office hours and retention of any fees received.  and
2	Officers reporting to Level 1 (typically service managers)	(a) Approval of Removal and Disturbance Allowances (including the exercise of discretion in respect of extensions etc.). (b) Premature retirement on grounds of permanent ill health recommendation. (c) Flexible retirement recommendation. (d) Payment of honoraria (paragraphs 35(b)(i) and (ii)).  and
3	Officers reporting to Level 2 (typically team managers)	(a) Accelerated incremental progression in exceptional cases/merit increments. (b) Creation of new post within existing budget (subject to establishment control). (c) Creation of new post from new funding (subject to establishment control). (d) Changes to post (subject to establishment control).  and

4	Officers reporting to Level 3 (typically assistant team managers)	<ul style="list-style-type: none"> <li>(a) Recruitment and appointment of all employees up to and including second tier, including placing an advertisement, appointment (internal and external), commencing salary within service/competence increments of position.</li> <li>(b) The payment of 'planned overtime'/additional hours to employees to whom they have line management responsibility for.</li> <li>(c) Granting of special leave of absence with/without pay.</li> <li>(d) Granting of approval for employees to undertake private work (outside of office hours).</li> <li>(e) Ex gratia payments.</li> <li>(f) Acting up arrangements.</li> <li>(g) Move to a different position within the establishment.</li> <li>(h) Review of discrete post of job evaluation request.</li> <li>(i) Labour market increments request.</li> <li>(j) Annual Leave carry forward.</li> <li>(k) Occupational Health referral.</li> <li>(l) Travel status authorisation.</li> <li>(m) Maternity leave approval.</li> <li>(n) Paternity leave approval.</li> </ul> <p style="text-align: center;">and</p>
5	Officers reporting to Level 4 (typically team leaders)	<ul style="list-style-type: none"> <li>(a) Incremental progression - approval of competency increments through the salary grade.</li> <li>(b) Approval to attend training courses (external courses are subject to Procurement approval at the appropriate level).</li> <li>(c) Sick leave (including return to work and trigger point interviews etc.)</li> <li>(d) Annual leave approval.</li> <li>(e) Change to employment within current position.</li> <li>(f) Performance and Development Review completion.</li> <li>(g) Notification of staff leaving.</li> <li>(h) Exit interviews.</li> <li>(i) Probation sign off.</li> <li>(j) Flexible working – approval of change to working patterns.</li> <li>(k) Travel expenses claim authorisation.</li> </ul>
<p><b>Specific delegations to the Head of Human Resources and Exchequer Services</b></p> <ul style="list-style-type: none"> <li>(a) Extension to full and half sick pay</li> <li>(b) Approval of injury allowance payments</li> <li>(c) Redundancy payments for teachers</li> </ul>		