

DELEGATIONS TO OFFICERS

1. General Limits on Delegated Powers

The duties and powers delegated to officers shall be exercised subject to the following limitation:

- a) Compliance with the Contract and Financial Rules of the Council and such other guidelines, policies and conditions as the Council or Cabinet may from time to time prescribe.

2. Delegations to Officers (General Provisions)

- 2.1 This part of the Scheme of Delegations is made with the object of avoiding the encumbering of the Council, Cabinet and its Committees, with an undue measure of routine business and of assisting the Council to discharge its functions effectively and expeditiously.
- 2.2 The general limitations set out at Delegation 1 apply to all officers and the powers delegated to Senior Officers shall only be exercised as provided in Delegation 5.
- 2.3 The powers delegated to a Senior Officer may with his/her approval be exercised by other officers of the Council who have been duly authorised by him/her to act on his/her behalf. A note of any such authorisations shall be kept in a register of officer delegations kept by the Chief Executive which will be available for public inspection during normal office hours. The powers delegated to a Senior Officer may also be exercised by the Senior Officer's Corporate Director or Line Manager.
- 2.4 Any decision which would be entered into the Decisions list, ie a key decision, shall not be exercised except following consultation with the local member if it relates to a matter which affects a local member's division exclusively.

3. Powers of the Chief Executive

- 3.1 To appoint such independent persons to Appeals Committees or Panels as required by law or in his/her discretion appears appropriate and may maintain lists of such persons for such purposes. In the case of Education Admission and Exclusion Appeal Panels to appoint the Chairman of each Appeal Panel.
- 3.2 To designate officers as authorised officers for the purpose of exercising the County Council's powers under any statutory provisions.
- 3.3 To issue any licences or control any registration of persons or premises on behalf of the Council under any legislation save to the extent that this power is specifically delegated by this Scheme or reserved by law to a Senior Officer.
- 3.4 To publish notices as required on behalf of the Council under any legislation save to the extent that this power is specifically delegated by this Scheme or reserved by law to a Senior Officer.
- 3.5 To approve the grading and regrading of posts (subject to NJC to Local Government Services, Soulbury and Youth Worker Conditions of Service) where the proposed maximum grade is PO17 or above (or equivalent).

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- 3.6 To approve the original grading of individual posts, (subject to JNC Chief Officer Conditions) and regradings of such posts providing that the proposed grading is no more than one grade higher (or lower) than the current grade.
- 3.7 To authorise, in conjunction with the Leader of the Council and other Group Leaders, changes to the remuneration of managers on the Joint National Council for Chief Officer grades by up to 10%.
- 3.8 To approve the composition of Appeal Panels convened by the Head of Personnel to deal with disciplinary, grading or other issues.
- 3.9 To authorise the Chief Executive in consultation with the portfolio holder to take decisions in respect of any company where the County Council has an interest as shareholder, subject to issues of a significant nature being brought to Cabinet and, if necessary, to Council. (A significant issue is a decision which is likely to result in the Council incurring expenditure, making a saving, receiving income or an increase in share value above a budget value of £140,000 as per the Council's Financial Procedure Rules).
- 3.10 To approve nominations for appointment of alternates to the School Organisation Committee.
- 3.11 To agree changes to appointments to outside bodies arising from changes in Cabinet, members or group nominations.
- 3.12 To approve nominations received for the filling of co-opted member vacancies on Committees and Panels in consultation with the relevant Portfolio Holder.
- 3.13 To appoint Authorising Officers contained in Sections 28 and 29 Regulation of Investigatory Powers Act 2000.

4. Powers of Chief Officers

- 4.1 To appoint staff below 2nd tier level within structures and budgets approved by the Council and the Cabinet where Procedure Rules allow and to exercise control and discipline in accordance with the Council's agreed policies and personnel procedures.
- 4.2 To approve changes to the number and distribution of posts (subject to NJC for Local Government Services, Soulbury and Youth Worker Conditions of Service) for which they are responsible subject to financial provision for the current and future years being available. Where proposed changes to the structure of a Directorate or Service are significant, a report to Cabinet will be required before any such changes are implemented.
- 4.3 To approve changes to the grading of posts (subject to NJC for Local Government Services, Soulbury and Youth Worker Conditions of Service), subject to financial provision for the current and future years being available; and the proposed maximum grade being below PO17.

5. Powers to Senior Officers

- 5.1 The powers delegated to the Senior Officers set out below shall not be exercisable by any other officer save as permitted by delegation 2.3.
- 5.2 The following Senior Officers may exercise the powers listed after their titles.

CENTRAL SERVICES

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5.3 Director of Resources

- (i) To carry out the responsibilities and powers of the Chief Finance Officer as defined in Section 151 Local Government Act 1972.
- (ii) To authorise payments of any pensions, gratuities, grants, etc provided for in the Superannuation Acts and Regulations, subject to those payments being in accordance with the Acts, Regulations or agreed Policy of the Council.
- (iii) In cases of urgency to approve virement, supplementary revenue and capital votes not otherwise covered by the Director of Resources' delegated authority.
- (iv) To approve supplementary revenue votes for items which are unavoidable and are not inconsistent with approved budgetary policy and which:
 - result from pay awards or price increases not taken into account in approved revenue votes.
 - result from expenditure arising from the mandatory implementation of Acts of Parliament or other Government directives.
 - relate to goods, services or other expenses which were budgeted for and properly ordered or committed in the previous year but which, due to delays in delivery or execution, have to be accounted for in the following year.

(It is implicit that the original budgetary provision should remain unspent at the end of the year of provision).

 - are urgently necessary to maintain existing services and cannot reasonably be met from appropriate approved revenue votes.
- (v) Virement (ie the transfer of sums approved for a specified purpose to another purpose) to authorise in accordance with the Financial Rules.
 - there are no greater consequential revenue effects in later years.
- (v) To approve supplementary capital votes subject to the limitations set out in the Financial Rules.
- (vi) To exercise the Council's voting rights as a member of the National Association of Pension Fund Investment Protection Committee, subject to consultation with the Chairman of the Pensions Committee if appropriate.
- (vii) To approve, on the recommendation of the Chief Officer concerned, individual items of expenditure from the County Council's Reserves and Provisions, after appropriate resources have been voted by the Council.

5.4 Head of Legal and Democratic Services

- (i) To exercise the powers and responsibilities as Monitoring Officer as defined by Section 5 Local Government and Housing Act 1989 as amended by the Local Government Act 2000.
- (ii) To determine applications for the apportionments of rights of common in the Register of Common Land.

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- (iii) To authorise steps or take any legal proceedings, to secure compliance with any notice served or injunction granted.
- (iv) To take appropriate steps to enable or effect compliance with any Council, Cabinet or Committee resolution.
- (v) To institute, act (or authorise others to act), and to appear on behalf of the Council before any Court, Tribunal, or Inquiry in any proceedings instituted by or on behalf of or against them or in any other matter in which the interests of the County Council require that it should be legally represented.
- (vi) To sign certificates for the purposes of the Local Authorities (Contracts) Act 1997 and the associated Regulations.

5.5 Head of Personnel

- (i) To authorise payments to newly appointed employees in accordance with the Council's approved Scheme of Relocation Expenses.
- (ii) To agree (on the recommendation of Chief Officers) additions to or deletions from the list of essential car users.
- (iii) On the recommendation of Chief Officers subject to budgetary provision, to agree additional increments to individual employees based on exceptional contribution.
- (iv) To authorise the payment of honoraria to employees, excluding staff employed in NJC for Local Government Services posts in schools and colleges with delegated budgets arising from the Education Reform Act 1988.
- (v) To introduce and maintain employee benefits, other than the provision of cars, where these are likely to assist with recruitment and retention, and where the costs can be found within existing budgets.
- (vi) To annually review the level of payments and allowances within locally approved Conditions of Service for employees subject to the NJC for Local Government Services and other national negotiating bodies in line with inflation.
- (vii) To implement, on a consistent basis, all locally and nationally determined Conditions of Service and agreements for employees subject to the NJC for Local Government Services and other national negotiating bodies.
- (viii) To convene, on behalf of the Chief Executive, panels of members to deal with appeals by employees:
 - Against disciplinary action, including dismissal.
 - Against dismissal on grounds of capacity or ill-health.
 - Against the grading of their posts.
 - Exceptionally to deal with other personnel issues where it is determined that an appeal stage is required.

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- (ix) To exercise, in accordance with the Pensions Manager any employer discretions under Local Government Pensions Regulations, in accordance with policies approved by the Council from time to time.

5.6

Head of Estates

- (i) In connection with sales of surplus property, to authorise repairs, advertising, appointment of agents and applications for planning permission.
- (ii) To agree rating assessments for Council property, and to make proposals and objections to the Valuation Court.
- (iii) To exercise day-to-day control over the Council's smallholding estate and to serve all necessary notices and counter notices.
- (iv) To declare surplus and authorise terms for the acquisition or sale of property not exceeding £200,000 in value.
- (v) Where property has a greater value than £200,000, Cabinet to confirm it being declared surplus and to authorise the Head of Estates to settle terms for acquisitions or disposals.
- (vi) To approve allowances to tenants for expenditure incurred by them for repairs, drainage rates and the like.
- (vii) To settle dilapidation claims and compensation payments on the termination or surrender of hirings or lettings in accordance with relevant statutory provisions.
- (viii) To take all necessary steps through Legal & Democratic Services to recover possession of land or property save that where such property or land is occupied by travellers not to take such action without:
 - (i) giving prior consideration to the educational health and welfare needs of those involved and the provisions of the Human Rights Act 1998 and the Council's specific obligations under Part III of the Children Act 1989 and Part III of the Housing Act 1985, and
 - (ii) the local Member's agreement or if he/she cannot be contacted, that of the relevant Cabinet Committee Chairman.
- (ix) To authorise the taking of leases and licenses whether as a Landlord or Tenant up to a value of £200,000 capital or £10,000 in rental value. Where the value is above this and the Chief Executive or a Corporate Director is not involved, Cabinet to decide.
- (x) To approve terms for the surrender of leases/licenses and any pre-existing terms up to a maximum of £140,000, where the value is above this sum and the Chief Executive or a Corporate Director is not involved, Cabinet to decide.
- (xi) To submit planning applications on behalf of the County Council.
- (xii) To enter into party wall awards with adjoining owners to Council County property.

Part 8 – Delegations to Officers

COMMUNITY AND ENVIRONMENT

5.7.1 Corporate Director – Economy and Environment

To make or not to proceed with permanent traffic orders to which objections have been received after consideration of those objections in consultation with the Environment Portfolio Holder and the Local Member(s)

5.7.2 Corporate Director – Community Services

To make or not to proceed with permanent traffic orders relating to Rights of Way to which objections have been received after consideration of those objections in consultation with the Economy Portfolio Holder and the Local Member(s).

5.8 Head of Trading Standards

- (i) To discharge the powers, duties and responsibilities of the Council under any legislation which may have been adopted from time to time concerning any Trading Standards and Animal Welfare matters.
- (ii) To act as the Chief Inspector of Weights and Measures.
- (iii) To appoint and designate officers in the Trading Standards Service as inspectors, sampling officers or authorised officers as the case may be for the purposes of the legislation related to Trading Standards and Animal Welfare.
- (iv) To authorise the institution and defence of proceedings brought:-
 - (a) under the legislation set out in the Schedule below (for the avoidance of doubt) in this paragraph and in paragraphs (b) and (c) below “legislation” includes any statute incorporated with an enactment and any statutory instrument, Order in Council, Byelaw or other Order made thereunder and any enactment repealing, amending or extending the provisions thereof and any new enactment relating to Trading Standards under which the Council has a statutory duty, and that such new enactments shall be automatically added to the Schedule of Legislation below from the day they are passed;
 - (b) such other legislation as may from time to time be adopted by the Council concerning (whether directly or indirectly) any of the functions related to Trading Standards and Animal Welfare;
 - (c) for any offence under any legislation whatsoever or any offence contrary to common law where proceedings for such offence concern or arise from (whether directly or indirectly) any of the functions of the Council in pursuance of Trading Standards or Animal Welfare matters.
- (v) To grant, amend, refuse, suspend and transfer licences pursuant to the provisions of any of the legislation referred to in delegation 5.9(iv) above.

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Schedule of Trading Standards Legislation

Accommodation Agencies Act 1953
Administration of Justice Acts 1970 and 1985
Advertisements (Hire Purchase) Act 1967
Agricultural Produce (Grading and Marketing) Acts 1928 and 1931
Agriculture (Miscellaneous Provisions) Act 1954 and 1968 and 1978
Agriculture Act 1970 - Part IV
Animal Health Act 1981
Animal Health and Welfare Act 1984
Anti-Social Behaviour Act 2003
Business Names Act 1985
Cancer Act 1939
Children and Young Persons (Protection from Tobacco) Act 1991
Children and Young Persons Act 1993 (Section 7) as amended
Clear Air Act 1993 - Section 30
Companies Act 1985
Construction Products Regulations 1991, as amended
Consumer Credit Act 1974
Consumer Protection Acts 1961 - 1987
Consumer Safety (Amendment) Act 1986
Control of Pollution Act 1974
Copyright, Designs and Patents Act 1988
Courts and Legal Services Act 1990
Crime and Disorder Act 2001
Criminal Attempts Act 1981
Criminal Justice and Police Act 2001
Criminal Law Act 1977
Development of Tourism Act 1969
Dogs Act 1906
Dramatic and Musical Performers' Protection Act 1958, as amended
Education Reform Act 1988
Energy Act 1976
Energy Conservation Act 1981
Environmental Protection Act 1990
Estate Agents Act 1979
European Communities Act 1972 and Treaties and Legislation given effect thereunder
Explosives Acts 1985, 1923 and 1976
Fair Trading Act 1973
Farm and Garden Chemicals Act 1967
Food Act 1984 - Part III
Food and Environment Protection Act 1985
Food Safety Act 1990
Forgery and Counterfeiting Act 1981
Hallmarking Act 1973
Health and Safety at Work Act 1974
Insurance Brokers (Registration) Act 1977
Insurance Companies Act 1982
Intoxicating Substances (Supply) Act 1985
Licensing Act 1964
Malicious Communications Act 1988
Markets and Fairs (Weighing of Cattle) Acts 1887 to 1926
Medicines Acts 1961, 1968 and 1971
Mock Auctions Acts 1961 - 1971

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Motor Cycles Noise Act 1987
Motor Vehicles (Safety Equipment for Children) Act 1991
New Roads and Street Works Act 1999, and Regulations made thereunder
Offensive Weapons Act 1996
Performing Animals (Regulations) Act 1925
Petroleum (Consolidation) Act 1928
Petroleum (Transfer of Licences) Act 1936
Plant Health Act 1967
Poisons Act 1972
Prices Act 1974 and 1975
Property Misdemeanors Act 1991
Protection of Animals Act 1911
Protection of Children (Tobacco) Act 1986
Public Health Act 1936
Public Health Act 1961
Road Traffic (Foreign Vehicles) Act 1972
Road Traffic Act 1988 (Sections 15, 15A, 17, 18, 36, 41, 42, 70, 71, 75, 76, 78, 79, 80, 81, 83, 173, 175, and Schedule 1)
Road Traffic Act 1991 (Sections 8, 13, 14, 16 and 21)
Road Traffic Offenders Act 1988
Road Traffic Regulation Act 1984
Road Vehicles (Construction and Use) Regulations 1986
Telecommunications Act 1984
Theft Acts 1968 and 1978
The Osteopaths Act 1993
The Stop Now Orders (EC Directive) Regulations 2001
Timeshare Act 1992
Tobacco Advertising and Promotion Act 2002
Tourism (Sleeping Accommodation Price Display) Order 1977
Trade Descriptions Act 1968
Trade Marks Act 1938 and 1994
Trading Representations (Disabled Persons) Acts 1958-72
Trading Schemes Act 1996
Trading Stamps Act 1964
Transport Act 1978 - Section 9
Unsolicited Goods and Services Act 1971-75
Video Recordings Act 1984 and 1993
Weights and Measures Act 1985

5.9 Assistant Director – Economy and Strategy

- (i) To express views where sought by a District Council on applications made by or to that District Council.
- (ii) To approve grants for listed buildings.
- (iii) To exercise the functions of the Planning Committee in relation to any application for deemed planning permission, listed building consent or conservation area consent made on behalf of Committees of the Council where the proposed development is in accordance with the planning policy of the Council and where no objection has been raised by a District Council, Parish Council, the local County Councillor(s) or by any other body or person.
- (iv) To determine whether an application for planning permission including proposed development by the Council constitutes a departure from the Development Plan and whether it falls in a category requiring referral to the Secretary of State.

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- (v) To exercise the functions of the Planning Committee in relation to the discharge of planning conditions, approval of reserve matters and/or minor modifications to details of planning permissions previously approved by the Planning and Traffic Committee, except where objections have been received from consultees.
- (vi) To exercise the functions of the Planning Committee in relation to applications to be determined by District Councils which fall within minerals consultation areas, where no objection is to be raised.
- (vii) To exercise the functions of the Planning Committee in relation to the Council's response to deemed planning proposals by District Councils, except where proposals are of strategic significance or where the Corporate Director – Economy and Environment has received an objection.
- (viii) To authorise the issue of completion notices pursuant to Section 94 of the Town and Country Planning Act 1990 in any case where the relevant planning permission has been granted by or on behalf of the Council.
- (ix) To grant consent for the felling, lopping or topping of any tree subject to a Tree Preservation Order in accordance with the provisions of the Order and applicable statutory provisions and to authorise the service of notices pursuant to Section 207 of the Town and Country Planning Act 1990.
- (x) To submit observations and recommendations to the Forestry Commission on applications for felling licences, subject to reference to the Planning and Traffic Committee in the event of the Commission being unable to ensure the implementation of any recommendations made.
- (xi) To approve tree planting grants not exceeding £1,250, subject to compliance with the Countryside Commission's specification for grant approval and the local County Councillor to be informed of the decision.
- (xii) To give observations on minor proposals for development by Government departments.
- (xiii) To authorise the issue of any necessary planning permission or planning clearance in respect of minor proposals by statutory undertakers where such proposals are not subject to objection and are in accordance with approved policy.
- (xiv) To determine whether prior approval for the development of agricultural buildings is required in accordance with the terms of Part 6 of Schedule 2 of the Town and Country Planning General Permitted Development Order 1995.
- (xv) To determine planning applications for temporary buildings in accordance with the policy approved by the Planning Committee unless there are objections made by any consultee referring to issues other than the temporary nature of the buildings. (Where objections are made, the Chairman or Vice-Chairman considers the matter should be referred to the Planning Committee, then a full report will be made.)
- (xvi) To authorise the service of a Planning Contravention Notice (Section 171C of the Town and Country Planning Act 1990).
- (xvii) To authorise the service, variation or withdrawal of an enforcement notice (Sections 172, 173 and 173A of the 1990 Act).
- (xviii) Following consultation with the Director of Resources to authorise the service of a Stop Notice (Section 183 of the 1990 Act).
- (xix) To authorise the service of a Breach of Condition Notice (Section 187A of the 1990 Act).

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- (xx) To authorise the service of an injunction restraining breach of Planning Control (Section 187B of the 1990 Act).
- (xxi) To determine applications under Section 22 of the Planning and Compensation Act 1991 (Minerals Permissions) relating to Interim Development Order permissions.
- (xxii) To consider applications for the review of old Mineral Planning Permissions under the Environment Act 1995.
- (xxiii) To determine applications under Section 64 (Determination of whether or not a planning application is necessary), 191 (Certificates of lawful use or development) and 192 (Certificates of lawfulness of proposed use or development) of the Town and Country Planning Act 1990 (including such applications by the Council) in consultation with the Corporate Director - Economy and Environment.
- (xxiv) To make minor amendments and additions to the wording of grounds of refusal of planning permissions, or to the conditions attached to the grant of any planning permission, after decisions have been taken on the relevant applications by the Planning Committee subject to consultation with the Head of Legal and Democratic Services.

5.10 5.10.1 Assistant Director – Transport and Highways

- (i) To propose Traffic Orders for advertisement
- (ii) To confirm Traffic Orders if there are no objections

5.10.2 Assistant Director – Learning and Culture

- (i) To propose Traffic Orders for Rights of Way for advertisement
- (ii) To confirm Traffic Orders for Rights of Way if there are no objections

5.11 Countryside Access Manager

	FUNCTION	PROVISION
1	Power to create a footpath or bridleway by agreement	s25 Highways Act 1980
2	Duty to keep register of information with respect to maps, statements and declarations	s31A Highways Act 1980
3	Power to require applicant for an order to enter into agreement	s119C(3) Highways Act 1980
4	Duty to keep register with respect of applications under s118ZA	s121B Highways Act 1980
5	Power to decline to determine certain applications	s121C Highways Act 1980
6	Power to apply for variation of an Order under s130B of the Highways Act 1980	s130B(7) Highways Act 1980

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	FUNCTION	PROVISION
7	Power to authorise temporary disturbance of the surface of a footpath or bridleway	s135 Highways Act 1980
8	Power temporarily to divert footpath or bridleway	s135A Highways Act 1980
9	Functions relating to the making good of damage and the removal of obstructions	s135B Highways Act 1980
10	Powers relating to the removal of things so deposited on highways so as to be a nuisance	s149 Highways Act 1980
11	Power to include modifications in other Orders	s53A Wildlife and Countryside Act 1981
12	Duty to keep register of prescribed information with respect to applications under s53(5) Wildlife and Countryside Act 1981	s53B Wildlife and Countryside Act 1981
13	Power to enter into agreements with respect to means of access	s35 Countryside and Rights of Way Act 2000
14	Duty to keep definitive map and statement under continuous review	s53 Wildlife and Countryside Act 1981 except subsection (5)

Power to publish the following orders where unopposed following the initial consultation process, and to confirm the following orders where unopposed after publication subject to reports to Committee of all orders published and confirmed.

15	Power to stop up footpaths and bridleways	s118 Highways Act 1980
16	Power to determine application for public path extinguishment order	s118ZA and s118C(2) Highways Act 1980
17	Power to make a rail-crossing extinguishment order	s118A Highways Act 1980
18	Power to make a special extinguishment order	s118B Highways Act 1980
19	Power to divert footpaths and bridleways	s119 Highways Act 1980
20	Power to make a public path diversion order	s119ZA and s119C(4) Highways Act 1980
21	Power to make a rail-crossing diversion order	s119A Highways Act 1980
22	Power to make a special diversion order	s119B Highways Act 1980
23	Power to make a SSSI diversion order	s119D Highways Act 1980

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	FUNCTION	PROVISION
24	To authorise the holding of trials between motor vehicles on a footpath or bridleway under Section 33 of the Road Traffic Act and to impose any necessary conditions to such authorisations	