

## **Part 2**

# **Responsibility for Council Functions**

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**SECTION 1 – GENERAL SCHEME OF DELEGATION****1.1 Meanings**

- a) **Executive functions** shall mean those functions that by law must be the responsibility of the executive.
- b) **Non-executive functions** shall mean those functions that by law must not be the responsibility of the executive.
- c) **Local choice functions** shall mean those functions that the council may decide to exercise itself or delegate to any part of the council including the executive. A list of local choice functions is included in section 3 of this part of the constitution.
- d) **Standing Orders** shall mean the standing orders set out in part 3 of this constitution.

**1.2** The council is responsible for the exercise of all functions which are not the responsibility of the executive and for delegating all executive functions to the leader in accordance with section 15 of the Local Government Act 2000. The council may delegate the exercise of non-executive or local choice functions to any other person or body subject to any statutory constraints.

**1.3** Only the council may exercise those functions described in section 2 of this part of the constitution.

**1.4** Subject to statutory requirements, standing orders and the matters reserved to the council set out above, the council delegates to the leader, the committees, local members and officers shown in the following sections, the powers and duties set out, and such other powers and duties as the council may from time to time specify. Any delegation of non-executive or local choice functions by the council shall not prevent the council from exercising those functions itself.

**1.5** The leader is responsible for the exercise of all executive functions and any local choice functions delegated to it by the council. The leader may further delegate those functions in accordance with section 15 of the Local Government Act 2000 and any regulations made under sections 17 to 20 of the Local Government Act 2000.

**1.6** Subject to statutory requirements and standing orders the leader delegates to the cabinet, portfolio holders, committees, local members and officers set out in the following sections, the powers and duties set out and such other powers and duties as the leader may from time to time specify. Any such delegation by the leader shall not prevent the leader from exercising those functions him/herself.

- 1.7** The leader, cabinet, committee, member or officer exercising delegated powers shall be empowered to act subject to the following general conditions:
1. Only the council shall be empowered to raise money by council tax, precept, or loan or to make bylaws.
  2. Subject to the urgency procedure in relation to executive decisions in the standing orders in part 3 of this constitution, any decisions made shall accord with the policy framework and budget.
  3. Before acting on any matter involving the adoption of any major new policy which changes the policy framework, the approval of the council to the proposed course of action must be obtained.
  4. Decisions may not be made in relation to a power or duty where the delegated function is expressed to be advisory or limited to the making of recommendations or the submission of requests to the council or another body.
- 1.8** Action by the leader, cabinet, any committee, member or officer exercising delegated powers shall be subject to the restrictions imposed by standing orders.
- 1.9** The overview and scrutiny committee(s), Regulatory Committee and the Audit and Standards Committee shall have power
- Re-delegate to any sub-committee appointed by it all or any of the powers and duties delegated to it by the council.
  - Impose any conditions or restrictions it thinks fit on the exercise of powers and duties by any of its sub-committees.
- 1.10** Any committee shall have power to appoint a panel to advise it on any power or duty delegated to it.
- 1.11** All member bodies shall have power to:
- Re-delegate to an officer of the council all or any of the powers and duties delegated to it by the council or the leader.
  - Impose any conditions or restrictions it thinks fit on the exercise of powers and duties delegated by it to an officer.
  - Seek advice from an officer of the council.

**SECTION 2 – RESPONSIBILITIES OF THE FULL COUNCIL**

	<b>Function</b>	<b>Statutory Reference</b>
1.	Adopting and changing the constitution.	Part II Local Government Act 2000 and subordinate legislation
2.	Approving or adopting the policy framework and the budget.	Sections 9D and 105, Local Government Act 2000; Regulation 4 and Schedule 3, The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
3.	Subject to the urgency procedure contained in standing orders in part 3 of this constitution, making decisions which are contrary to the policy framework or decisions which are contrary to or not wholly in accordance with the budget.	Sections 9D and 105, Local Government Act 2000; Regulation 5 and Schedule 4, The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
4.	Appointing the leader.	Section 9D, Local Government Act 2000
5.	In relation to functions which are not the responsibility of the executive agreeing and/or amending the terms of reference for committees, or joint committees, deciding on their composition and making appointments to them.	Sections 101 and 102, Local Government Act 1972; Sections 21 and 53, Local Government Act 2000
6.	Appointing the independent members of The Audit and Standards Committee and, if it thinks fit, the chair of that committee.	Section 53, Local Government Act 1972 and any regulations made thereunder
7.	Appointing representatives to outside bodies unless the appointment is an executive function or has been otherwise delegated by the council.	Sections 101 and 102, Local Government Act 1972 and any other enactment conferring powers on the Council
8.	Adopting an allowances scheme under Article 2.5.	Sections 173 to 175, Local Government Act 1972; Section 18, Local Government and Housing Act 1989
9.	Changing the name of the area.	Section 74, Local Government Act 1972
10.	Making, amending or revoking standing orders.	Sections 106, 135, paragraph 42 Schedule 12, Local Government Act 1972; Sections 8 and 20, Local Government and Housing Act 1989
11.	Confirming the appointment of the head of paid service, the monitoring officer and the chief finance officer.	Section 151, Local Government Act 1972; Sections 4 and 5, Local Government and Housing Act 1989
12.	Making, amending, revoking, re-enacting or adopting bylaws.	Any provision of any enactment (including a local act) whenever passed Section 14, Interpretation Act 1978
13.	Promoting or opposing the making of local legislation or personal bills.	Section 239, Local Government Act 1972
14.	All local choice functions set out in section 3 of this part of the constitution which the council decides should be undertaken by itself rather than any other person or body or other matters reserved to the full council by this constitution.	Sections 9D and 105, Local Government Act 2000; Regulation 3(1) and Schedule 2, The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853
15.	Determining whether or not to accept the delegation of any functions from another local authority.	Sections 101 and 102, Local Government Act 1972
16.	Approving the authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).	Accounts and Audit Regulations 2015 (SI 2015/234)
17.	Appointing proper officers for the purposes of any particular functions.	Section 270(3), Local Government Act 1972
18.	Approval for the purposes of public consultation draft proposals associated with the preparation of alterations to, or the replacement of, a development plan.	Regulation 10 or 22, Town and Country Planning (Development Plans) (England) Regulations 1999

	Function	Statutory Reference
19.	Powers and duties relating to local Development documents which are development plan documents.	Sections 20 to 23 and 25, 26 and 28, Planning and Compulsory Purchase Act 2004
20.	Power to agree to establish a joint committee to be, for the purposes of part 2 of the Planning and Compulsory Purchase Act 2004, a local planning authority.	Section 29, Planning and Compulsory Purchase Act 2004
21.	Power to agree to confer additional functions on a joint committee.	Section 30, Planning and Compulsory Purchase Act 2004
22.	Power to request the dissolution of a joint committee.	Section 31, Planning and Compulsory Purchase Act 2004
23.	Duty to provide staff, etc. to person nominated by the monitoring officer.	Section 82A(4) and (5), Local Government Act 2000
24.	Powers relating to overview and scrutiny committees (voting rights of co-opted members).	Paragraphs 12 and 14 of Schedule 1, Local Government Act 2000
25.	Requests for single member electoral areas.	Section 14A(1), Local Government Act 1992
26.	Deciding whether to make proposals for a change in governance arrangements.	Sections 33A and 33B, Local Government Act 2000
27.	Deciding whether a change under Section 33(A) of the Local Government and Public Involvement in Health Act 2007 should be subject to approval in a referendum.	Section 33E(5), Local Government Act 2000
28.	Passing a resolution to make a change in governance arrangements under Section 33F of the Local Government Act 2000.	Section 33F, Local Government Act 2000
29.	Including provision in executive arrangements for the council to remove the executive leader by resolution and the passing of a resolution to remove the executive leader.	Sections 44C(1) and 44C(2), Local Government Act 2000
30.	Decision relating to the duty to make a change in governance arrangements.	Paragraph 3 of Schedule 4, Local Government and Public Involvement in Health Act 2007
31.	Functions relating to the change of name of electoral area.	Section 59, Local Government and Public Involvement in Health Act 2007
32.	Duty to draw up proposals relating to changing governance arrangements.	Section 33E(2), Local Government Act 2000
33.	Duty to consult prior to drawing up proposals relating to changing governance arrangements.	Section 33E(6), Local Government Act 2000
34.	Duty to implement new governance arrangements.	Section 33G and 33H, Local Government Act 2000
35.	Duty to comply with direction given by the Secretary of State relating to changing governance arrangements.	Section 33I, Local Government Act 2000
36.	Duty to hold referendum relating to changing governance arrangements.	Section 33K(2), Local Government Act 2000
37.	Power to make arrangements about incidental matters relating to community governance.	Section 99, Local Government and Public Involvement in Health Act 2007
38.	Functions in relation to the preparation and submission of the Local Area Agreement, including making proposals for revisions and/or additions to LAA targets except to the extent that cabinet is authorised under standing order 24.2 (part 3, section 1) of this constitution.	Sections 106, 110 and 111, Local Government and Public Involvement in Health Act 2007
39.	All other matters which, by law, must be reserved to the council.	Any provision of any enactment (including a local Act) whenever passed

### Appointments to Outside or Joint Bodies

For the avoidance of doubt, the council hereby expressly reserves to itself the appointments to the following bodies:

Local Government Association and its subsidiary bodies; and

Any joint committees other than joint committees to be appointed by the cabinet under Article 6.

The policy framework shall include the following plans and strategies:

Plan or Strategy	Statutory Reference
Any plan or strategy for the control of the authority's borrowing, investments or capital expenditure or for determining the authority's minimum revenue provision e.g. <ul style="list-style-type: none"> <li>• Corporate Capital Strategy</li> <li>• Medium Term Financial Plan</li> <li>• Treasury Management Strategy</li> </ul>	Section 151, Local Government Act 1972
One Organisational Plan	Section 1, Localism Act 2011; Section 111, Local Government Act 1972
Development Plan Documents – see below: <ul style="list-style-type: none"> <li>• Waste Core Strategy (July 2013)</li> <li>• Minerals Plan (once adopted)</li> </ul>	Section 17, Planning and Compulsory Purchase Act 2004
Community Safety Agreement	Sections 5 and 6, Crime and Disorder Act 1998
Local Transport Plan	Section 108(3), Transport Act 2000
Youth Justice Plan	Section 40, Crime and Disorder Act 1998
Fire & Rescue Integrated Risk Management Plan	Section 21, Fire and Rescue Services Act 2004
Coventry and Warwickshire Strategic Economic Plan	Section 1, Localism Act 2011; Section 111, Local Government Act 1972
Sub-Regional Infrastructure Plan	<i>(currently being drafted)</i> Section 1, Localism Act 2011; Section 111, Local Government Act 1972
Coventry and Warwickshire Skills Strategy	Section 1, Localism Act 2011; Section 111, Local Government Act 1972
Sub-Regional Procurement Strategy 2015-2020	Section 1, Localism Act 2011; Section 111, Local Government Act 1972
Commissioning Strategy for Adult and Children's Services	<i>(to be drafted)</i>
Health and Wellbeing Strategy	Section 116A, Local Government and Public Involvement in Health Act 2007
Customer Services and Access Strategy	Section 1, Localism Act 2011; Section 111, Local Government Act 1972
Annual Pay Policy Statement	Section 38, Localism Act 2011
Education Strategy	Section 13, Education act 1996
Schools Sufficiency Strategy	Section 14, Education Act 1996
Early Intervention Policy	Childcare Act 2006 <i>(currently in draft form)</i>
Corporate Parenting Policy	Children Act 1989

## **Budget**

The budget includes the allocation of capital and revenue resources, the precept level, the council tax, the planned use of reserves, the county council's borrowing limit and the virement limits.

### **Specific Delegations by Council in respect of the Budget and Policy Framework**

#### **1. Revenue Budget 2015/16**

- 1.1 The strategic director for resources and head of finance are authorized to vire revenue budgets between services where such virements are as a direct consequence of the specific spending allocations, delivery of the savings targets, invest-to-save projects and funding strategies contained in this resolution and the accompanying capital budget resolution.
- 1.2 The strategic director for resources and head of finance, in consultation with the leader, are authorised to reverse allocations made as part of this budget process where the investment does not progress.
- 1.3 The strategic director for resources and head of finance are authorised to draw down from reserves accumulated from previous years' savings and vire money between reserves where these adjustments are as a direct consequence of the specific spending allocations, delivery of the savings targets (including where there are revenue savings from the pro-active management of the authority's cash balances and the transfer of functions between business unit), invest-to-save projects and funding strategies contained in this resolution and the accompanying capital budget resolution.
- 1.4 The strategic director for resources and head of finance are authorized to make the necessary budget adjustments to fund the new responsibilities given to the county council during the year, or where responsibility for services transfers out, up to the level of Government funding provided/withdrawn.

#### **2. Capital Budget 2015/16**

- 2.1 The leader for person(s) or body nominated by him/her are authorised to:
  - Agree any increases or reductions in capital starts/payments totals as part of the capital review process;
  - Approve the addition to the capital programme of projects costing less than £1.5 million, which are fully funded from external grants, developer contributions or from revenue; and
  - Approve individual projects within the allocations made by council.
- 2.2 In addition, the strategic director for resources and head of finance are authorised to vire capital projects between services where such virements are as a direct consequence of a restructuring within the county council.
- 2.3 The strategic director for resources and head of finance, in consultation with the leader, are authorised to reverse allocations made as part of this budget process where the investment does not progress.
- 2.4 The chief executive is directly responsible for the implementation of the capital programme.
- 2.5 The chief executive is instructed to remind all strategic directors, the chief fire officer and heads of service that budgets must not be overspent and that effective budget management arrangements should be the cornerstone of each service's work to secure value for money.
- 2.6 A carry forward regime will be introduced with immediate effect to review whether all uncommitted capital spend at the end of the financial year is still a priority. Any funding released through this process will be used to enhance the growth fund.

- 2.7 All member bodies, members and officers are instructed to comply with the prescriptive legal duties placed upon the council. The chief executive, strategic directors, the chief fire officer and heads of service are instructed to ensure that the implementation of policies complies with legal requirements.
- 2.8 Authority is given for all necessary tenders to be obtained and contracts to be completed to give effect to this budget, subject to compliance with contract standing orders, financial regulations and the key decision regime for individual approvals.
- 2.9 Strategic directors, the chief fire officer and heads of service, in the following circumstances and with approval from the head of finance, are given authority to let contracts where the tender price would cause the project to exceed its approved budget:
- If the project is and remains fully funded from external sources; and
  - If all funding is externally ring-fenced to that specific project.
- 2.10 That, with the exception of the circumstances outlined in 2.9, the council reconfirms the requirement for strategic directors, the chief fire officer and heads of service to seek member approval to proceed with a project if, at the tender stage or any subsequent decision point, the contract price would cause the project to exceed its approved budget by more than tolerances in financial regulations prior to committing the council to proceed with the project. In any event, any increase in the expected project cost should be reported to members as soon as possible via the quarterly organisational health report.
- 2.11 Strategic directors, the chief fire officer and heads of service, with approval from the head of finance, are given approval to use capital receipts to fund replacement assets:
- Where the receipt is less than £100,000; and
  - Where the receipt is generated from the sale of vehicles, plant equipment or software; and
  - Where the replacement asset provides the same service as the item sold; and
  - Where the remaining cost of the replacement asset is fully funded from self-financed borrowing, revenue contribution or third part funding externally ring-fenced to that specific asset.

In any event, capital expenditure on the replacement asset should be reported to members as soon as possible via the capital review process.

- 2.12 Each maintenance allocation in the maintenance programme will be monitored and reported to members at the level approved in the medium term financial plan (MTFP) and capital strategy. Detailed budget management within those allocations will be delegated to the responsible head of service, in line with the agreed criteria and prioritization approved by council in the MTFP and capital strategy.
- 2.13 Maintenance allocations may be vired in accordance with the scheme of capital virement to a development project where that project incorporates elements of work which would otherwise be funded from the maintenance budget. The entire project would be treated as a development project for approval and reporting purposes.
- 2.14 Allocations made to services under the development programme are for individual and specific projects. Any funding allocations may not be committed until individual projects are approved by members.
- 2.15 Virements between projects in the development programme are expected to be rare. Services are expected to manage variations in total project costs with the appropriate approval under financial regulations.



- 2.16 Virements can only take place between two existing projects. Any new project will require member approval, irrespective of whether its proposed funding is taken from an existing allocation.

### **3. Treasury Management Strategy 2015/16**

#### **3.1 County Council**

- Approval of annual strategy.
- Budget consideration and approval.
- Approval of the division of responsibilities.

#### **3.2 Cabinet**

- Scrutinise the proposed annual strategy.
- Approval of/amendments to the organisation's adopted clauses, treasury management policy statement and treasury management practices.

#### **3.3 Resources and Fire & Rescue Overview and Scrutiny Committee**

- Reviewing the treasury management policy and procedures and making recommendations to the responsible body.
- Receiving and reviewing regular monitoring reports and acting on recommendations.

#### **3.4 The Treasury Management Role of the S151 (Responsible) Officer: Head of Finance**

- Recommending clauses, treasury management policy/practices for approval, reviewing the same regularly, and monitoring compliance.
- Submitting regular treasury management policy reports.
- Submitting budgets and budget variations.
- Receiving and reviewing management information reports.
- Reviewing the performance of the treasury management function.
- Ensuring the adequacy of treasury management resources and skills, and the effective division of responsibilities within the treasury management function.
- Ensuring the adequacy of internal audit, and liaising with external audit.
- Recommending the appointment of external service providers.
- Entering into repurchase transactions where appropriate.

**SECTION 3 – RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS**

The body or person specified in the second column of the table below for each of the local choice functions in the first column, subject to any restrictions imposed by the council in the third column, shall be responsible for the discharge of the relevant local choice function.

Local Choice Function	Responsible Body or Person	Any Restriction	Statutory References
Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 of the Regulations.	Council	None	Local Authorities (Functions and Responsibilities) (England) Regulations 2000
The determination of an appeal against any decision made by or on behalf of the authority.	Regulatory Committee	Except to the extent powers are delegated to officers	Any enactment conferring a power on the council to determine such appeals
The making of arrangements in relation to appeals against exclusion of pupils from maintained schools.	Regulatory Committee	Except to the extent powers are delegated to officers	Section 52, Education Act 2002 and relevant subordinate legislation
The making of arrangements for school admission appeals.	Regulatory Committee	Except to the extent powers are delegated to officers	Section 94(1), (1A), (4) and (5), School Standards and Framework Act 1998 and relevant subordinate legislation
The making of arrangements for appeals by governing bodies against an LEA decision to admit a child permanently excluded from two schools.	Regulatory Committee	Except to the extent powers are delegated to officers	Section 87, 95(2) and 95(3A), School Standards and Framework Act 1998 and relevant subordinate legislation
The making of arrangements for questions on police matters at council meetings and for enabling questions to be put on the discharge of the functions to the police and crime commissioner.	Council	None	None
Appointing members of the council to the police and crime panel.	Council	None	Section 28 and Schedule 6, Police Reform and Social Responsibility Act 2011
Any function relating to contaminated land.	Regulatory Committee	Except to the extent powers are delegated to officers	Part IIA Environmental Protection Act 1990 and subordinate legislation
The discharge of any function relating to the control of pollution or the management of air quality.	Regulatory Committee	Except to the extent powers are delegated to officers	Pollution Prevention and Control Act 1999; Part IV Environmental Protection Act 1990; Clean Air Act 1993
The obtaining of information as to interests in land.	Strategic Director for Resources	None	Section 330, Town and Country Planning Act 1990
The obtaining of particulars of persons interested in land.	Strategic Director for Resources	None	Section 16, Local Government (Miscellaneous Provisions) Act 1976

<b>Local Choice Function</b>	<b>Responsible Body or Person</b>	<b>Any Restriction</b>	<b>Statutory References</b>
The making of agreements for the execution of highways works.	Strategic Director for Resources	None	Section 278, Highways Act 1980; Section 23 New Roads and Street Works Act 1991
The making of agreements with other local authorities for the placing of staff at the disposal of those other local authorities.	Staff and Pensions Committee	None	Section 113, Local Government Act 1972
The appointment or revocation of the appointment of any individual: (a) to an outside body or committee or sub-committee of an outside body; or (b) as a governor of community, foundation and voluntary, special and nursery schools.	Regulatory Committee	Except those appointments reserved to the full council or the executive by law or under other provision within this constitution	School Standards and Framework Act 1998 and any enactment conferring a power to make such appointments
Appointment of any individual as a governor of community, foundation and voluntary, special and nursery schools.	Regulatory Committee	In relation to schools within their respective areas	Section 36, School Standards and Framework Act 1998; Section 19 and 39(1), Education Act 2002 and any enactment conferring a power to make such appointments
Appointments to local trusts, voluntary organisations, etc. where the outside body operates wholly within their area.	Regulatory Committee	Except those appointments reserved to the full council or the executive by law or under other provision within this constitution	Any enactment conferring a power to make such appointments
Functions in relation to the preparation and submission of the Local Area Agreement, including making proposals for revisions and/or additions to LAA targets.	Council	Except to the extent that cabinet is authorised under standing order 22.2 (part 3 section 1) of this constitution	Sections 106, 110 and 111, Local Government and Public Involvement in Health Act 2007

**SECTION 4 – RESPONSIBILITIES OF THE LEADER, CABINET AND PORTFOLIO HOLDERS**

<b>The Leader – Reserved Matters</b>	<b>The Leader – General Powers</b>	<b>The Leader – Restrictions on delegations</b>
<p>Overall responsibility for leading the work of the Council and Cabinet and, in particular, reserves to herself the economic portfolio and chairing of the Health and Wellbeing Board.</p> <p>Oversight of the overall performance of the portfolio holders and the joint managing directors.</p> <p>To make commitments in partnership settings, either herself or through her nominee, provided those commitments fall within the council's governance arrangements, particularly its budget and policy framework.</p>	<p>The leader may exercise any executive power.</p> <p>No delegation by the leader shall prevent the leader exercising those functions his/herself or withdrawing delegation at any time.</p> <p>The leader may make any urgent decision in the exercise of executive powers notwithstanding the delegations below subject to the urgent decision procedure.</p>	<p>The leader may direct any person or body prior to the exercise of any delegated power in relation to a particular matter:</p> <ul style="list-style-type: none"> <li>○ That the leader is to be consulted before a decision is made;</li> <li>○ That the leader requires the matter to be referred to cabinet for decision; and</li> <li>○ That the leader intends to take the decision.</li> </ul>
<b>Cabinet – General Obligations and Powers</b>		<b>Executive powers include e.g.</b>
<p>The leader delegates to the cabinet all the executive powers and duties other than those powers reserved by the leader. The powers and duties delegated may be exercised concurrently with other persons or bodies unless the leader directs otherwise. The executive powers and duties delegated include the following:</p> <p>a) Budget and Policy Framework – the cabinet is responsible for implementing the agreed budget and policy framework and the development of proposals in accordance with standing orders in part 3 of this constitution;</p> <p>b) Promotion of well-being – the promotion of the economic, social and environmental well-being of the area, and the formation of partnerships with other public, private, voluntary and community organisations; and</p> <p>c) Value for money – leading the search for value for money with a view to ensuring continuous improvement in the delivery of services.</p>		<p>Adults Children Education Fire &amp; Rescue Highways Planning Registration Trading Standards Waste Disposal</p> <p>Economic and Industrial Development Emergency Planning Information and Leisure Libraries and Heritage Environment and Consumers Effective Management of Resources The Coroner Smallholdings</p>

## Portfolio Holders

<p>Portfolio holders have the general obligations and powers set out below in relation to their portfolios. Portfolio holders are authorised to make decisions within their delegated powers provided those decisions are within the policy framework and budgetary allocations and the terms of reference of their portfolio. No portfolio holder shall make a decision where the portfolio holder would have a conflict of interest under the Members' Code of Conduct. In these circumstances the matter shall be referred back to either the leader or the cabinet for a decision.</p>	
General Obligations	General Powers
<ul style="list-style-type: none"> <li>➤ To take a collective responsibility for the delivery of the council's budget and policies.</li> <li>➤ To ensure the continuous improvement of the services within their own portfolio and opportunities for partnership/share working are maximised.</li> <li>➤ To ensure that all services and roles are developed in accordance with the council's overall policies.</li> <li>➤ To liaise effectively with each other, to ensure that policies and service delivery are integrated across all services.</li> <li>➤ To maintain effective two-way dialogue with overview and scrutiny committees.</li> <li>➤ To ensure that services continue to be affordable and represent value for money.</li> <li>➤ To work with heads of service and strategic directors to deliver the council's budget and policies.</li> </ul>	<ul style="list-style-type: none"> <li>➤ To approve revenue virements over £50,000 in accordance with financial regulations.</li> <li>➤ To approve capital virements in accordance with the financial procedure rules.</li> <li>➤ To approve bids for external funding.</li> <li>➤ To approve the introduction of charges for services or changes to charges for services.</li> <li>➤ To write off irrecoverable sums in excess of £2000 and below £50,000.</li> <li>➤ To monitor performance and budgets.</li> <li>➤ To approve proposals for consultation.</li> <li>➤ To approve variations to approved schemes and projects provided that the variation would not:               <ul style="list-style-type: none"> <li>a) exceed the overall parameters set for the scheme or project;</li> <li>b) exceed the approved financial envelope for the scheme or project;</li> <li>c) constitute a change to the approved policy objectives of the scheme or project; or</li> <li>d) be outside the council's budget and policy framework.</li> </ul> </li> </ul>

Portfolio	Terms of Reference	Specific Powers
<b>Deputy Leader (Finance &amp; Property)</b>	Deputising for the leader, finance, delivery of the revenue budget and the capital programme (including external funding); procurement and contract management, property, smallholdings and facilities management.	<ul style="list-style-type: none"> <li>➤ The addition to the capital programme of projects costing less than £2,000,000 that are fully funded from external grants, developer contributions or from revenue.</li> <li>➤ Proposals to procure and/or enter any executive contract or agreement on behalf of the council with a total value not exceeding £3,000,000.</li> <li>➤ Appropriations of county council land for different purposes or declaring land and property as surplus to requirements where the value is over £100,000 and below £1,000,000 and authorising the disposal of such land and property.</li> <li>➤ To grant at market value and take up leases, easements and licences over county council property or for the benefit of the county council where the annual rent or fee consideration is greater than £25,000 and below £250,000.</li> </ul>
<b>Adult Social Care &amp; Health</b>	<p>Social care services to adults including the delivery of social care and support to older people and people with disabilities, policies and services for safeguarding adults and adult mental health services.</p> <p>Oversight of the arrangements for commissioning adult social care services.</p> <p>Health, including public health and the integration of health with adult and children's services.</p>	<ul style="list-style-type: none"> <li>➤ Social services grants to voluntary organisations for local services over £1000 and below £50,000.</li> <li>➤ To make payments over £1000 and below £50,000 to disabled persons.</li> </ul>
<b>Children's Services</b>	<p>Overall responsibility for the co-ordination of education and children's services as the lead portfolio holder for children's services.</p> <p>Specific responsibility for child protection and safeguarding, Looked After Children including the Children in Care Council, family support and social care for children with specific needs (disabilities).</p> <p>Child and adolescent mental health services and the arrangements for commissioning those services.</p> <p>Youth service and children's centres.</p>	<ul style="list-style-type: none"> <li>➤ Social services grants to voluntary organisations for local services over £1000 and below £50,000.</li> <li>➤ To make payments over £1000 and below £50,000 to support a child in need in exceptional circumstances.</li> <li>➤ To make "exceptional needs" payments over £1000 and below £25,000 to local authority foster parents of looked after children.</li> </ul>
<b>Customer &amp; Transformation</b>	Services relating to corporate planning and transformation programme, customer services, libraries, HR and organisational development, communication, performance management, ICT services and law, governance and audit.	

<b>Education &amp; Learning</b>	<p>Education and learning services for children and young people from 0 to 19 years, including early years, nurseries, primary and secondary schools, special educational needs (assessment, statementing and review), special schools, education of looked after children, 16-19 years education.</p> <p>Responsibility for school organisation, planning and school governance.</p> <p>Responsibility for adult and community education and learning services.</p>	<ul style="list-style-type: none"> <li>➤ Approving school term holiday dates.</li> <li>➤ Approving changes to the governance arrangements of schools, including:</li> <li>➤ Instruments of governance for new schools.</li> <li>➤ Proposing appointments to interim executive boards.</li> </ul>
<b>Fire &amp; Community Safety</b>	<p>Services relating to community safety including Fire &amp; Rescue services, trading standards, emergency planning, crime and disorder reduction, drugs and alcohol, policing and criminal justice.</p>	
<b>Transport &amp; Environment</b>	<p>Services relating to the provision and maintenance of transport and highways infrastructure, including the Local Transport Plan, transport strategy and the Local Transport Body, HS2, road safety, rights of way, strategic and infrastructure planning; flooding and housing.</p> <p>Services relating to waste and environment including gypsies and travellers, country parks, tourism, heritage services. Localities and relationships with the voluntary and community sectors.</p>	<ul style="list-style-type: none"> <li>➤ School crossing patrols - consideration of outcomes of three-year reviews. Decisions on (dis)establishment when a vacancy occurs in the interim period.</li> <li>➤ The stopping up or diversion of highways.</li> <li>➤ Power to make, amend or revoke a gating order.</li> <li>➤ Agree modifications to the Memorandum of Participation in the Parking and Traffic Regulations Outside London Adjudication Joint Committee where there are significant policy or budgetary implications.</li> <li>➤ In cases where objections have been received and in consultation with local member(s) the power to determine road traffic management and accident prevention schemes and road traffic regulation.</li> <li>➤ The opening hours of local waste disposal sites provided no additional cost is involved.</li> </ul>

**Inter Authority Agreement for the W2R Energy from Waste Programme  
led by Staffordshire County Council**

1. Delegates to Staffordshire County Council the power to appoint an authority representative to take the decisions detailed in Schedule 3 of the Inter Authority Agreement on behalf of Warwickshire County Council.
2. Appoints the portfolio holder for environment as Warwickshire's elected member on the Contract Management Board and authorises any other portfolio holder to act as his/her deputy in the event the portfolio holder for environment is unavailable.
3. Appoints the joint managing director (communities), or his/her nominee, to act as Warwickshire's officer representative on the Contract Management Board and delegates to the joint managing director (communities), or his/her nominee, authority to appoint an officer to act as his/her deputy in the event the joint managing director (communities), or his/her nominee, is unavailable.
4. Delegates to the portfolio holder for environment, and any other portfolio holder who may from time to time act as his/her deputy, the joint managing director (communities) and officers appointed to the Contract Management Board the powers to take the decisions detailed in Schedule 3 of the Inter Authority Agreement on behalf of Warwickshire.



**PROJECT W2R – INTER AUTHORITY AGREEMENT**  
**SCHEDULE 3 - REQUIRED APPROVALS**

<b>Nature of action/decision required</b>	<b>Category</b>
Appointment of the Authority's representative.	Staffordshire Matter
General contract management, assessment and implementation of KPIs, daily contract	Authority's Representative
Review and commenting on/approval of Submitted Items pursuant to the Review	Staffordshire Matter
Agreeing extensions of time, relief from obligations and/or compensation as a result of Compensation/Relief Events.	Staffordshire Matter, save that: (a) Staffordshire shall notify the Partners as soon as reasonably practicable upon becoming aware of any such matter; and (b) where one or more of the Partners considers that the matter in question should be referred to either the Contract Management Board or the Authorities, that Partner or those Partners shall notify the remaining Authorities within 10 business days of receipt of notification from Staffordshire and the matter shall be referred to the Contract Management Board or the Authorities (as appropriate) and the decision shall be taken as a Contract Management Board Matter or a Matter Reserved to the Authorities
Issue of an Authority Change Notice.	Contract Management Board Matter
Approval of a Contractor Change Notice.	Contract Management Board Matter
Agreeing the consequences of a Qualifying Change in Law.	Contract Management Board Matter
Approval of insurers.	Staffordshire Matter
Approval of any Reinstatement Plan.	Staffordshire Matter
Uninsurability.	Staffordshire Matter
Termination for Contractor Default pursuant to <b>clause 62</b> of the Project Agreement.	Matter reserved to the Authorities
Termination for Force Majeure pursuant to <b>clause 64</b> of the Project Agreement.	Matter reserved to the Authorities
Termination for Corrupt Gifts and Fraud pursuant to <b>clause 69</b> of the Project Agreement.	Matter reserved to the Authorities
Voluntary Termination pursuant to <b>clause 70</b> of the Project Agreement.	Matter reserved to the Authorities
Termination for breach of the Refinancing Provisions pursuant to <b>clause 72</b> of the Project	Matter reserved to the Authorities
Step-in pursuant to <b>clause 33</b> of the Project Agreement.	Staffordshire Matter
Consent to assignment of the Project Agreement by the Contractor.	Staffordshire Matter, save that: Staffordshire shall notify the Partners as soon as reasonably practicable upon becoming aware of any such matter.
Consent to sub-contract the Project Agreement by the Contractor.	Staffordshire Matter, save that: Staffordshire shall notify the Partners as soon as reasonably practicable upon becoming aware of any such matter.
All actions and decisions relating to the Dispute Resolution Procedure under the Project	Staffordshire Matter
Any waiver of any breach by the Contractor of the Project Agreement.	Contract Management Board Matter

## **SECTION 5 – RESPONSIBILITIES OF AREA COMMITTEES**

**The Area Committees were disbanded in 2012  
and their functions reallocated to other bodies/individuals**

## **SECTION 6 – RESPONSIBILITIES OF STAFF AND PENSIONS COMMITTEE AND REGULATORY COMMITTEE**

### **6.1 STAFF AND PENSIONS COMMITTEE**

#### **MEMBERSHIP**

6 county councillors appointed proportionately to the representation of groups and individual members on the council. The chair of the committee shall be the Leader of the council.

#### **TERMS OF REFERENCE**

The committee is responsible for the following non-executive functions of the council:

Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).	Section 112, Local Government Act 1972
The making of agreements with other local authorities for the placing of staff at the disposal of those other local authorities.	Section 113, Local Government Act 1972
Functions relating to local government pensions, etc.	Regulations under Sections 7, 12 or 24, Superannuation Act 1972 and Public Service Pensions Act 2013
Functions under the Firefighters' Pension Scheme, the New Firefighters' Pension Scheme (England), and the Firefighters' Compensation scheme (England) 2006, relating to pensions, etc. as respects persons employed by fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004.	Section 26, Fire Services Act 1947; Orders made under sections 34 or 36 of the Fire and Rescue Services Act 2004 (c.21) or under section 26(1) to (5) of the Fire Services Act 1947; and Section 12 of the Superannuation Act 1972, as applied by section 163 of that Act

- Establishing a pool of members from which the membership of Appointments and Disciplinary Appeals Sub-Committees can be drawn;
- Appointing the councillors who are not cabinet members to the Joint Negotiating Body and the Joint Negotiating Body (Teaching Staff) when required; and
- Establishing the Pension Fund Investment Sub-Committee to oversee pension fund investments, management of the fund and the administration of the pension scheme.

## 6.2 REGULATORY COMMITTEE

The powers of the Regulatory Committee arise from a diverse range of statutory provisions. Except in so far as a matter may be an executive function, or has been reserved to the full council or delegated to other persons (including officers) or bodies under this constitution, the committee has responsibilities set out in the following table, including the following in so far as they relate to the matters specified in the table:

- a) to grant or revoke and determine the terms (including the scale of fee, if any) of any approval, consent, licence, permission or registration; and
- b) to impose, vary, modify or enforce any condition, limitation, or other restriction on any approval, consent, licence, permission or registration.

N.B. The table contains a mix of local choice and non-executive functions.

Function		Statutory Reference
<b><i>Functions relating to planning development control and conservation</i></b>		
1.	Power to determine application for planning permission.	Sections 69 and 92, Town and Country Planning Act 1990; Town and Country Planning (development Management Procedure)(England) Order 2010 (S.I. 2010-2184) and directions made under those sections or that order.
2.	Power to determine applications to develop land without compliance with conditions previously attached.	Section 73, Town and Country Planning Act 1990
3.	Power to grant planning permission for development already carried out.	Section 70A, 70B and 70C, Town and Country Planning Act 1990
4.	Power to decline to determine application for planning permission.	Section 70A, Town and Country Planning Act 1990
5.	Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92, Town and Country Planning Act 1990; and Articles 8, 10 to 13, 15 to 22, 25 and 26, Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder
6.	Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316, Town and Country Planning Act 1990; Town and Country Planning General Regulations 1992 (S.I. 1992/1492)
7.	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418)
8.	Power to enter into agreements regulating development or use of land.	Section 106, Town and Country Planning Act 1990
9.	Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2), Town and Country Planning Act 1990
10.	Power to serve a completion notice.	Section 94(2), Town and Country Planning Act 1990
11.	Power to grant consent for the display of advertisements.	Section 220, Town and Country Planning Act 1990; Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (S.I. 2007/783) 1992
12.	Power to authorise entry on to land.	Section 196A, Town and Country Planning Act 1990
13.	Power to require the discontinuance of a use of land.	Section 102, Town and Country Planning Act 1990
14.	Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171E, 187A and 183(1), Town and Country Planning Act 1990

<b>Function</b>		<b>Statutory Reference</b>
<b><i>Functions relating to planning development control and conservation (cont'd)</i></b>		
15.	Power to issue an enforcement notice.	Section 172, Town and Country Planning Act 1990
16.	Power to apply for an injunction restraining a breach of planning control.	Section 187B, Town and Country Planning Act 1990
17.	Power to determine applications for hazardous substances consent and related powers.	Sections 9(1) and 10, Planning (Hazardous Substances) Act 1990
18.	Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permission relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2, Planning and Compensation Act 1991; Paragraph 9(6) of Schedule 13, Environment Act 1995; Paragraph 6(5) of Schedule 14 to that Act
19.	Power to require proper maintenance of land.	Section 215(1), Town and Country Planning Act 1990
20.	Power to determine applications for listed building consent and related powers.	Sections 16(1) and (2), 17, 27(2) and 33(1), Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
21.	Power to determine applications for conservation area consent.	Section 16(1), Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990, as applied by Section 74(3) of that Act
22.	Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1), 14(1) and 14(4), Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990; Regulations 3 to 6, and 13, Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990; Paragraphs 8, 15 and 22, Department of the Environment Circular 14/97
23.	Power to serve a building preservation notice and related powers.	Sections 3(1) and 4(1), Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
24.	Power to issue enforcement notice in relation to demolition of unlisted building in conservation areas.	Section 38, Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
25.	Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48, Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
26.	Power to apply for an injunction in relation to a listed building.	Section 44A, Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
27.	Power to execute urgent works.	Section 54, Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
28.	Any function relating to contaminated land.	Part IIA, Environmental Protection Act 1990 and subordinate legislation
29.	The discharge of any function relating to the control of pollution or the management of air quality.	Pollution Prevention and Control Act 1990; Part IV, Environmental Protection Act 1990; Clean Air Act 1993
30.	Powers relating to the preservation of trees.	Sections 197 to 214D, Town and Country Planning Act 1990; Trees Regulations 1999 (S.I. 1999/1892)
31.	Power to make limestone pavement order.	Section 34(2), Wildlife and Countryside Act 1981

Function		Statutory Reference
<b><i>Functions relating to highways and public rights of way</i></b>		
1.	Power to create footpath or bridleway by agreement.	Section 25, Highways Act 1980
2.	Power to create footpaths and bridleways.	Section 26, Highways Act 1980
3.	Duty to keep register of information with respect to maps, statements and declarations.	Section 31A, Highways Act 1980
4.	Power to stop up footpaths and bridleways.	Section 118, Highways Act 1980
5.	Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2), Highways Act 1980
6.	Power to make a rail crossing extinguishment order.	Section 118A, Highways Act 1980
7.	Power to make special extinguishment orders.	Section 118B, Highways Act 1980
8.	Power to divert footpaths and bridleways.	Section 119, Highways Act 1980
9.	Power to make a public path diversion order.	Section 119ZA and 119C(4), Highways Act 1980
10.	Power to make a rail crossing diversion order.	Section 119A, Highways Act 1980
11.	Power to make a special diversion order.	Section 119B, Highways Act 1980
12.	Power to require applicant for an order to enter into agreement.	Section 119C, Highways Act 1980
13.	Power to make an SSSI diversion order.	Section 119D, Highways Act 1980
14.	Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C Highways Act 1980.	Section 121B, Highways Act 1980
15.	Power to decline to determine certain applications.	Section 121C, Highways Act 1980
16.	Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130, Highways Act 1980
17.	Duty to serve notice of proposed action in relation to obstruction.	Section 130A, Highways Act 1980
18.	Power to apply for a variation of order under section 130B Highways Act 1980.	Section 130B(7), Highways Act 1980
19.	Power to authorise temporary disturbance of surface of footpath or bridleway.	Section 135, Highways Act 1980
20.	Power to temporarily divert footpath or bridleway.	Section 135A, Highways Act 1980
21.	Functions relating to the making good of damage and the removal of obstructions.	Section 135B, Highways Act 1980
22.	Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149, Highways Act 1980
23.	Power to extinguish certain public rights of way.	Section 32, Acquisition of Land Act 1981
24.	Duty to keep a definitive map and statement under review.	Section 53, Wildlife and Countryside Act 1981
25.	Power to include modifications in other orders.	Section 53A, Wildlife and Countryside Act 1981
26.	Duty to keep register of prescribed information with respect to applications under section 53(5) Wildlife and Countryside Act 1981.	Section 53B, Wildlife and Countryside Act 1981
27.	Duty to reclassify roads used as public paths.	Section 54, Wildlife and Countryside Act 1981
28.	Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A, Wildlife and Countryside Act 1981
29.	Power to designate footpath as cycle track.	Section 3, Cycle Tracks Act 1984
30.	Power to extinguish public rights of way over land acquired for clearance.	Section 294, Housing Act 1981
31.	Power to authorise stopping-up of diversion of footpath or bridleway.	Section 257, Town and Country Planning Act 1990
32.	Power to extinguish public rights of way over land held for planning purposes.	Section 258, Town and Country Planning Act 1990



<b>Function</b>		<b>Statutory Reference</b>
<b><i>Functions relating to highways and public rights of way (cont'd)</i></b>		
33.	Power to enter into agreements with respect to means of access.	Section 35, Countryside and Rights of Way Act 2000
34.	Power to provide access in absence of agreement.	Section 37, Countryside and Rights of Way Act 2000
35.	Power to permit deposit of builder's skip on highway.	Section 139, Highways Act 1980
36.	Power to license planting retention and maintenance of trees, etc., in part of highway.	Section 142, Highways Act 1980
37.	Power to authorise erection of stiles, etc., on footpaths or bridleways.	Section 142, Highways Act 1980
38.	Power to grant a street works license.	Section 50, New Roads and Street Works Act 1991
39.	Power to license works in relation to buildings, etc., which obstruct the highway.	Section 169, Highways Act 1980
40.	Power to consent to temporary deposits or excavations in streets	Section 171, Highways Act 1980
41.	Power to dispense with obligation to erect hoarding or fence.	Section 172, Highways Act 1980
42.	Power to restrict the placing of rails, beams, etc., over highways.	Section 178, Highways Act 1980
43.	Power to consent to construction of cellars, etc., under street.	Section 179, Highways Act 1980
44.	Power to consent to the making of openings into cellars, etc., under streets, and pavement lights and ventilators.	Section 180, Highways Act 1980
45.	Power to grant permission for provision, etc., of services, amenities, recreation and refreshment facilities on highway, and related powers.	Section 115E, 115F and 115K, Highways Act 1980
46.	Duty to publish notice in respect of proposal to grant permission under section 115E Highways Act 1980.	Section 115G Highways Act 1980
47.	Power to authorise stopping up or diversion of highway.	Section 247 Town and Country Planning Act 1990
<b>Function</b>		<b>Statutory Reference</b>
<b><i>Functions relating to consumer safety and animal welfare</i></b>		
1.	Duty to keep list of persons entitles to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11, Poisons Act 1972
2.	Power to approve meat product premises.	Regulations 4 and 5, Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082)
3.	Power to approve premises for the production of minced meat or meat preparations.	Regulation 4, Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205)
4.	Power to approve dairy establishments.	Regulations 6 and 7, Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)
5.	Functions under any of the "relevant statutory provision" for health, safety and welfare in connection with work and control of dangerous substances.	Within the meaning of Part I, Health and Safety at Work Act 1974 to the extent that those functions are discharged otherwise than in the authority's capacity as an employer
6.	Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	Safety of Sports Ground Act 1975
7.	Power to issue cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III, Fire Safety and Safety of Places of Sport Act 1987

<b>Function</b>		<b>Statutory Reference</b>
<b><i>Functions relating to elections</i></b>		
1.	Duty to appoint returning officer for local government elections.	Section 35, Representation of the People Act 1983
2.	Power to divide electoral divisions into polling districts at local government elections.	Section 31, Representation of the People Act 1983
3.	Duty to declare vacancy in office in certain cases.	Section 86, Local Government Act 1972
4.	Duty to give public notice of a casual vacancy.	Section 87, Local Government Act 1972
5.	Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48(3), Local Elections (Principal Areas) Rules 1986 (SW.I. 1986/2214)
6.	Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10, Representation of the People Act 2000 (c2)
<b>Function</b>		<b>Statutory Reference</b>
<b><i>Functions relating to appeals</i></b>		
1.	The determination of an appeal against any decision made by or on behalf of the authority.	Any enactment conferring a power on the council to determine such appeals
2.	The making of arrangements for appeals against exclusion of pupils.	Section 52, Education Act 2002 and relevant subordinate legislation
3.	The making of arrangements for school admission appeals.	Section 94(1), (1A), (4) and (5), School Standards and Framework Act 1998 and relevant subordinate legislation
4.	The making of arrangements for appeals by governing bodies against an LEA decision to admit a child permanently excluded from two schools.	Sections 87, 95(2) and 95(3A), School Standards and Framework Act 1998 and relevant subordinate legislation
<b>Function</b>		<b>Statutory Reference</b>
<b><i>Miscellaneous Functions</i></b>		
1.	The appointment or revocation of the appointment of any individual: (a) to an outside body or committee or sub-committee of an outside body; or (b) as a governor of community, foundation and voluntary, special and nursery schools.	Any enactment conferring a power to make such appointments other than those appointments reserved to the council or the executive by law or other provision within this constitution
2.	Power to register common land or town and village greens except where the power is exercisable solely for the purpose of giving effect to: (a) an exchange of lands effected by an order under section 19(3) or paragraph 6(4) of schedule 3 Acquisition of Land Act 1981; or (b) an order under section 147 Inclosure Act 1845.	Section 13, Commons Registration Act 1965 (c.64)
3.	Power to register variation of rights of common.	Part 1, Commons Act 2006 and The Commons Registration (England) Regulations 2014 (S.I. 2014/3038)
4.	Power to license the employment of children.	Part II, Children and Young Persons Act 1933; bylaws made under that Part; Part II, Children and Young Persons Act 1963
5.	Power to approve premises for the solemnisation of marriages and the formation of civil partnerships.	Section 46A, Marriage Act 1949 (c.76); Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (S.I. 2005/3168)
6.	Power to make payments or provide other benefits in cases of maladministration, etc.	Section 92, Local Government Act 2000



**SECTION 7 – RESPONSIBILITIES OF THE AUDIT AND STANDARDS COMMITTEE**

<b>Function</b>	<b>Statutory Reference</b>
1. Oversight of internal and external audit matters, the council's arrangements for corporate governance and risk management and any other arrangements for the maintenance of probity, including: <ul style="list-style-type: none"> <li>• Approval of the internal audit strategy/plan;</li> <li>• Review of financial statements, the annual accounts, the statement of internal control, and any opinions/reports of external or internal audit or inspection agencies;</li> <li>• Assessing the effectiveness of the council's control environment, risk management and corporate governance arrangements;</li> <li>• Seeking any required assurances to ensure appropriate action is taken;</li> <li>• Monitoring performance in relation to any action required; and</li> <li>• Making recommendations to cabinet and/or council as appropriate where executive action is required.</li> </ul>	Section 27, Localism Act 2011
2. Promoting and maintaining high standards of conduct by councillors, co-opted members and church/parent governor representatives and officers.	Section 27, Localism Act 2011
3. Assisting councillors, co-opted members and church/parent governor representatives to observe the Members' Code of Conduct.	Section 27, Localism Act 2011
4. Advising the council on the adoption or revision of the Members' Code of Conduct.	Section 27, Localism Act 2011
5. Monitoring the operation of the Members' Code of Conduct.	Section 27, Localism Act 2011
6. Advising, training or arranging to train councillors, co-opted members and church/parent governor representatives on matters relating to the Members' Code of Conduct.	Section 27, Localism Act 2011
7. Considering the outcomes of investigations into complaints about members under the Code of Conduct in accordance with the complaint process agreed by the council.	Section 28, Localism Act 2011; Hearing Sub-Committee
8. Granting dispensations to councillors, co-opted members and church/parent governor representatives from requirements relating to disclosable pecuniary interests.	Section 33, Localism Act 2011; Dispensations Sub-Committee
9. Dealing with the grant and supervision of exemptions from political restriction.	Section 3A, Local Government and Housing Act 1989; Political Restriction Sub-Committee

## **7.1 TERMS OF REFERENCE AND COMPOSITION OF CERTAIN SUB-COMMITTEES**

The following standing arrangements apply to Hearing, Dispensation and Political Restriction Sub-Committees.

### **7.1.1 COMPOSITION**

Any three or more elected members from the Audit and Standards Committee to sit, as and when required. Where possible the sub-committee will include representation from at least two of the political groups represented on the council. The selection of members to form a sub-committee to deal with a particular matter or matters shall be made by the chief executive.

## **7.2 TERMS OF REFERENCE**

### **7.2.1 Hearing Sub-Committee**

To consider complaints about members in relation to the Code of Conduct and determine whether or not there has been a failure to comply with the Code of Conduct.

Where there has been a failure to comply with the Code of Conduct it may impose sanctions with the agreement of the member concerned or make recommendations to council on the imposition of sanctions.

### **7.2.2 Dispensations Sub-Committee**

To grant dispensations from either or both of the restrictions in section 31(4) of the Localism Act 2011 i.e. restrictions on participation and voting in relation to matters in which a member has a disclosable pecuniary interest, if in all the circumstances it considers:

- (a) that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
- (b) that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- (c) that granting the dispensation is in the interests of persons living in the authority's area;
- (d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive; or
- (e) that it is otherwise appropriate to grant a dispensation.

### **7.2.3 Political Restriction Sub-Committee**

To deal with any particular matter relating to political restrictions and whether or not an exemption should be granted.

## **SECTION 8 – RESPONSIBILITIES OF OVERVIEW AND SCRUTINY COMMITTEES**

### **8.1 TERMS OF REFERENCE**

#### **Resources and Fire & Rescue Overview and Scrutiny Committee**

To review and/or scrutinise the functions of the council relating to the fire & rescue service, budget, medium term financial plan, corporate business plan, planning and performance arrangements, finance, property, information technology, facilities management, workforce strategy and development, law and governance, libraries, customer service and communications.

#### **Communities Overview and Scrutiny Committee**

To review and/or scrutinise the provision of public services in Warwickshire relating to community safety, trading standards, transport and highways, economic development and environment, adult learning, heritage, tourism, flood risk management and emergency planning.

#### **Children and Young People Overview and Scrutiny Committee**

To review and/or scrutinise the provision of public services in Warwickshire relating to education and skills, services for children and young people including schools, 16-19 years education, pre-school children, child protection, family support and social care, children with specific needs and the youth service.

#### **Adult Social Care and Health Overview and Scrutiny Committee**

To review and/or scrutinise the provision of public services in Warwickshire relating to adult social care services including social care to older people and people with disabilities, policies and services for safeguarding adults and any matter relating to the planning, provision and operation of health services for adults and children serving Warwickshire.

### **8.2 OVERVIEW AND SCRUTINY COMMITTEES COMPOSITION AND POWERS**

#### **8.2.1 Powers**

Within their terms of reference the overview and scrutiny committees may exercise the general powers set out in 8.3 below. In addition, the Adult Social Care and Health Overview and Scrutiny Committee, when reviewing or scrutinising health services, has the power and responsibilities set out in 8.4 below.

#### **8.2.2 Membership – County Councillors**

Each committee shall be comprised of 10 county councillors appointed proportionately to the representation of groups and individual members on the council.

#### **8.2.3 Co-options**

##### **Children and Young People Overview and Scrutiny Committee**

2 parent governors and 2 church governors. Their terms of office and appointment are governed by statutory requirements. They may speak on children's matters but may only vote on matters relating to education.

##### **Adult Social Care and Health Overview and Scrutiny Committee**

One co-opted member from an overview and scrutiny committee of each district/borough council in Warwickshire. The co-opted members shall be voting members on matters relating to health services.

Except where statutory arrangements provide otherwise, a co-opted member shall be appointed for two years and shall hold office until the earliest of the following events:

- i. on the expiry of 2 years from the date of appointment;
- ii. on ceasing to be a member of their appointing body;
- iii. on receipt of his/her resignation; or
- iv. on ceasing to be an elected member of an overview and scrutiny committee of the district/borough council.

### **8.3 GENERAL POWERS**

- i. assist the council and the executive in the development of its budget and policy framework by considering policy issues;
- ii. review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the council's functions or matters of public interest affecting the delivery of public services in Warwickshire;
- iii. make reports and/or recommendations to the full council and/or the executive and/or other committees, including joint or area committees in connection with the discharge of any functions and to relevant outside bodies;
- iv. question members of the executive and other committees and chief officers about their views on issues and proposals affecting the area;
- v. exercise the right to call-in decisions made but not yet implemented by the executive, any area committees exercising executive function and officers making key executive decisions;
- vi. exercising the powers of the council to request information from partners relating to local improvement targets;
- vii. consider any matter affecting the area or its inhabitants.

### **8.4 REVIEW AND SCRUTINY OF HEALTH SERVICES**

#### **8.4.1 Responsibilities**

(a) In carrying out the review of a particular matter the committee must:

- (i) invite interested parties to comment; and
- (ii) take account of any available relevant information and in particular relevant information provided by the Local Healthwatch.

(b) Where the matter is referred by the Local Healthwatch:

- (i) acknowledge receipt of the matter within 20 working days; and
- (ii) keep the Local Healthwatch informed of any action taken.

#### **8.4.2 Powers**

- i. make reports and recommendations to a relevant NHS body and/or relevant health service provider being the National Health Service Commissioning Board, a Clinical Commissioning Group, NHS Trust or NHS Foundation Trust which provides or arranges the provision of, or performs any management function, in relation to health services to persons residing in Warwickshire and in making such reports and recommendations

it shall include:

- a) an explanation of the matter reviewed or scrutinised;
- b) a summary of the evidence considered;
- c) a list of participants involved in the review or scrutiny; and
- d) any recommendations on the matter reviewed or scrutinised.

- ii. make reports to the Secretary of State for Health where the committee is satisfied that a proposal by a relevant NHS body for a substantial development or substantial variation of the health service in Warwickshire:

- a) would not be in the interests of the health service in Warwickshire;
- b) that the arrangements for consulting on such a proposal are inadequate;
- c) the reasons given for not consulting on such a proposal are inadequate;

and attempts to reach agreement with the relevant NHS body within a reasonable period of time have failed.

- iii. require a relevant NHS body on reasonable notice to provide the committee with such information, other than confidential or prohibited information as defined in Regulation 26 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 about the planning, provision and operation of health services in Warwickshire as the committee may reasonably require in order to discharge its functions.
- iv. require an officer of a local NHS body on reasonable notice to attend the committee and answer such questions as appear necessary for discharging the functions of the sub-committee. No officer shall be required to provide confidential or prohibited information as defined in the relevant regulations nor answer any question he/she could refuse to answer for the purpose of proceedings in a court in England and Wales.

## **8.5 OVERVIEW AND SCRUTINY TASK AND FINISH GROUPS**

### **8.5.1 Role and Protocols**

To carry out scrutiny reviews commissioned by the overview and scrutiny committees. The relevant committee will appoint the members of the task and finish groups, and approve their terms of reference which will include a time-frame for reporting back to the committee.

The task and finish groups will meet as and when necessary. Meetings will be held in public or private as the group considers appropriate.

Task and finish groups will utilise the methods most appropriate for particular reviews ranging from select committee style events, forums, focus groups, facilitated member visits, member investigations, etc. Some may be in-depth reviews and others light touch reviews taking a short sharp look at an issue through a single meeting or event.

All reviews will report back to the relevant committee with their recommendations.

### **8.5.2 Membership**

A task and finish group will normally consist of 6 county councillors. Chairs of the task and finish groups will be appointed by the relevant overview and scrutiny committee. The committee may appoint additional co-opted members to a task and finish group, if appropriate. This might be from existing co-opted members or from external organisations.

## **SECTION 9 - RESPONSIBILITIES OF OTHER COMMITTEES, ETC. AND JOINT ARRANGEMENTS**

### ***Formal Committees and Sub-Committees***

#### **9.1 HEALTH AND WELLBEING BOARD**

##### **9.1.1 Composition**

The core membership is prescribed by legislation and must contain at least one county councillor, the director(s) for adult social services and children's services, the director of public health, a representative of the Local Healthwatch organisation and representative of each relevant clinical commissioning group.

The membership at May 2015:

4 members of the county council (to include the leader of the council, cabinet portfolio holder for health and cabinet portfolio holder for adult social care);

CCG leads – one each for South Warwickshire, Warwickshire North and Rugby;

The strategic director for people;

The strategic director for communities;

The director of public health;

A Local Healthwatch representative;

The portfolio holders for health in each of the five district/borough councils; and

A representative of the National NHS Commissioning Board.

The chair is appointed by the county council. The council's standing orders will apply except to the extent they are varied by statutory provision or these arrangements. All voting members of the Health and Wellbeing Board are bound by the Warwickshire County Council member Code of Conduct when acting as a member of the board.

##### **9.1.2 Terms of Reference**

###### **Core Functions**

- a) To advance the health and wellbeing of the people in its area, and encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner.
- b) To provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements for pooled budget, lead commissioning or other arrangements under section 75 of the National Health Service Act 2006.
- c) To encourage persons who arrange for the provision of any health or social care services in its area and persons who arrange for the provision of any health-related services in its area to work closely together and with the Health and Wellbeing Board.
- d) To commission the production of a joint strategic needs assessment and to determine a joint health and wellbeing strategy and commissioning framework to meet the needs identified in the joint strategic needs assessment.
- e) To inform the local authority of its views on whether the authority is discharging its duty to have regard to the joint strategic needs assessment and joint health and wellbeing strategy in discharging relevant functions.
- f) The functions in (a) to (e) may be delegated to a sub-committee unless the council has directed otherwise. In addition the board may establish advisory sub-committees to advise it on any matter relating to its functions.

### **9.1.3 Meetings**

The Health and Wellbeing Board will meet regularly and at least four times per year.

### **9.1.4 Accountability**

The Health and Wellbeing Board will report to council and cabinet on its work programme every 6 months.

The functions of the Health and Wellbeing Board are executive functions of the county council and the actions of the board will be subject to independent scrutiny from the relevant overview and scrutiny committee of the council.

## **9.2 APPOINTMENTS, DISCIPLINARY AND DISCIPLINARY APPEALS SUB-COMMITTEES**

### **9.2.1 Composition**

At least three elected members drawn from a pool of members agreed by the Staff and Pensions Committee to sit as and when required. The head of paid service or the monitoring officer if appropriate will make arrangements for the sub-committee with membership being proportionate to the representation of the political groups and individual members on the council and nominated by the leaders of the political groups.

### **9.2.2 Dismissal of Statutory Officers**

Where a Disciplinary Sub-Committee is considering the proposed dismissal of the head of paid service, monitoring officer or chief finance officer it must include at least one cabinet member.

When a recommendation to dismiss the head of paid service, monitoring officer or chief finance officer is made by a Disciplinary Sub-Committee, the head of paid service or the monitoring officer will convene a panel of at least two independent persons appointed under section 28(7) Localism Act 2011 to consider the proposed recommendation of the Disciplinary Sub-Committee prior to any recommendation for dismissal being made to Council.

### **9.2.3 Terms of Reference**

- To determine individual appeals by employees, including teachers under the council's agreed disciplinary and grievance procedures.
- To deal with the removal from office of strategic directors and chief officers and other statutory officers appointed by the council.
- To deal with the appointment of strategic directors and chief officers, heads of service and other statutory officers appointed by the council.
- To make recommendations to council regarding the appointment of the head of paid service.

## **9.3 PENSION FUND INVESTMENT SUB-COMMITTEE**

### **9.3.1 Composition**

Five councillors allocated proportionately to the representation of groups and individual members on the council. This operates as a sub-committee of the Staff and Pensions Committee.

### **9.3.2 Terms of Reference**

To oversee the investment policy relating to the pension fund and to ensure appropriate management of the fund and administration of the pension scheme.

### **9.3.3 Rules of Procedure**

The proceedings of formal committees and sub-committees shall be governed by the standing orders in part 3 of this constitution.

### ***Informal Groups***

## **9.4 LEADERS LIAISON GROUP**

### **9.4.1 Composition**

The leader and deputy leader of the Conservative Group; The leader and deputy leader of the Liberal Democrat Group; The leader and deputy leader of the Labour Group.

### **9.4.2 Terms of Reference**

To provide a forum for the leaders and deputy leaders of these political groups on the council to consult on issues relating to the work of the council.

## **9.5 CORPORATE PARENTING PANEL**

### **9.5.1 Composition**

Six members of the county council.

### **9.5.2 Terms of Reference**

To secure elected member and cross organisation support and commitment for delivering improved services and better outcomes for looked after children, young people and care leavers.

## **9.6 JOINT NEGOTIATING BODY (STAFF)**

### **9.6.1 Composition**

Two members of the cabinet and two other councillors, and representatives of relevant trade unions.

### **9.6.2 Terms of Reference**

To provide a forum for discussions with relevant trade unions in relation to conditions of service of members of staff (other than teachers in any school or other institution under the control of the council) and to recommend to the Staff and Pensions Committee any changes or amendments to those conditions of service.

## **9.7 JOINT NEGOTIATING BODY (TEACHING STAFF)**

### **9.7.1 Composition**

Two members of the cabinet and two other councillors, and representatives of relevant trade unions.

### **9.7.2 Terms of Reference**

To provide a forum for discussions with relevant trade unions in relation to conditions of service of members of teachers in any school or other institution under the control of the



council and to recommend to the Staff and Pensions Committee any changes or amendments to those conditions of service.

### ***Statutory Bodies***

The council is required to establish the following bodies under specific statutory provisions which govern their remit and conduct.

## **9.8 POLICE AND CRIME PANEL**

### **9.8.1 Composition**

#### Ten elected members

A councillor from each of the following constituent authorities:

North Warwickshire Borough Council  
Nuneaton and Bedworth Borough Council  
Rugby Borough Council  
Stratford on Avon District Council  
Warwick District Council  
Warwickshire County Council

The county council appoints four additional county councillors to ensure the fair representation principle and balanced appointment objective are met. In selecting county councillors for these additional appointments the county council will seek to ensure that each district/borough administrative area has a county councillor from that area.

The county council shall review its appointments of the four additional councillors annually to ensure the fair representation principle and balanced appointment objective continues to be met. The review will take place following the outcome of any ordinary elections in any of the constituent authorities.

The constituent authorities may from time to time change their nomination or appointments to the panel and may arrange for a substitute to attend any meeting of the panel. Substitutes should normally be drawn from the same political party as the member they are replacing.

#### Two co-opted members appointed by the panel

The panel appoints two co-opted members who are not elected members of any of the constituent authorities. In making those appointments the panel shall have regard to the balanced appointment objective.

#### Additional co-opted members

The panel can apply to the Secretary of State for consent to appoint up to 8 additional co-opted members and in doing so should set out how its proposals would enhance the balanced appointment objective.

#### Balanced appointment objective

Councillor members and councillor co-opted members when taken together should:

Represent all parts of the police area;  
Represent the political make-up of the relevant authorities when taken together; and  
Have the skills, knowledge and experience necessary for the police and crime panel to discharge its functions effectively.

#### Duration of Appointments

Elected members continue on the panel until the person appointed is replaced or removed by their nominating/appointing body or they resign or cease to be an elected member.

Co-opted members continue until their term of appointment comes to an end, the person

appointed resigns, is replaced or removed by the panel. The term of appointment of a co-opted member may not be more than 4 years but a co-opted member may be re-appointed for further periods not exceeding 4 years.

### **9.8.2 Terms of Reference**

The panel is established as a joint committee of the constituent councils under section 28 of the Police Reform and Social Responsibility Act 2011.

The purpose of the panel is to support the effective exercise of the functions of the police and crime commissioner for Warwickshire.

#### **Powers**

- a) To review the draft police and crime plan including any draft version and make report or recommendation on the draft plan to the commissioner.
- b) To review the proposals made by the commissioner for the precept (budget) and to report and make recommendations to the commissioner. The panel may veto the proposed precept on a 2/3<sup>rd</sup> majority of the membership of the panel.
- c) To review and/or scrutinise decisions made or other action by the commissioner in discharge of his/her functions and make reports or recommendations to the commissioner.
- d) To suspend the commissioner if it appears he/she has been charged with an offence in the UK, Channel Islands or Isle of Man which carries a maximum term of imprisonment exceeding 2 years.
- e) To appoint an acting commissioner from the commissioner's staff in the following circumstances:
  - a. No person holds office for Warwickshire; or
  - b. The commissioner is incapacitated; or
  - c. The commissioner is suspended.
- f) To review and hold confirmation hearings in relation to proposals by the commissioner to appoint a chief executive, chief finance officer or deputy police and crime commissioner.
- g) To review and hold a confirmation hearing in relation to a proposal by the commissioner to appoint a chief constable. The panel may veto the proposed appointment on a 2/3<sup>rd</sup> majority of the membership of the panel.
- h) To review and hold a scrutiny hearing in relation to a proposal by the commissioner to remove a chief constable.
- i) To publish any reports or recommendations made to the commissioner as it sees fit and to send a copy to each constituent local authority.
- j) To require the commissioner or any of his/her staff to attend on reasonable notice to answer questions necessary to the functions of the panel and/or respond in writing to any report or recommendations made. Where the commissioner is required to attend the chief constable (on reasonable notice) can be requested to attend at the same time to answer questions.

### **9.8.3 Rules of Procedure**

The panel shall operate in accordance with the rules of procedure agreed by panel on 5 December 2012 and amended by the panel from time to time. These can be viewed on the website <http://www.warwickshire.gov.uk/policeandcrime>

## **9.9 LOCAL PENSION BOARD**

### **9.9.1 Composition**

Seven members to include:

- Three pension scheme member representatives (nominated by scheme employers to ensure a broad representation of scheme membership).
- Three employer representatives nominated by categories of employers to include one elected member (acting for the county council), one precepting employer and one non-precepting employer.
- One independent representative appointed following a recruitment and selection process in accordance with current Warwickshire County Council's policy and procedure.

The Independent representative shall chair the board.

No substitution of members at meetings is allowed.

In the event of consistent non-attendance, or failure to achieve and maintain the required level of knowledge and skills by any board member, then the tenure of that member shall be reviewed by the chair in liaison with the scheme manager. The scheme manager has the final decision on whether to remove the board member. Other than by ceasing to be eligible, a board member may only be removed from office during a term of appointment by the scheme manager in consultation with the board members or, in the case of an elected member of the county council, ceasing to be a member.

### **9.9.2 Terms of Reference**

The Local Pension Board is established under the Public Services Pensions Act 2013 with the following roles:

- 1) To assist the scheme manager:
  - To secure the effective and efficient governance and administration of the Local Government Pension Scheme (LGPS) for the Warwickshire Pension Fund by effectively and efficiently complying with the code of practice on the governance and administration of public service pensions schemes issued by the Pensions Regulator;
  - To secure compliance with the LGPS regulations and any other legislation relating to the governance and administration of the LGPS;
  - To secure compliance with requirements imposed in relation to the LGPS by the Pensions Regulator; and
  - In such other matters as the LGPS regulations may specify.
- 2) To provide the scheme manager with such information to ensure that any member of the pension board or person appointed does not have a conflict of interest.
- 3) To produce an annual report to the scheme manager outlining the work of the board throughout the scheme year.

The pension board will not have decision-making powers in relation to the Warwickshire Pension Fund but may refer issues to the Pensions Regulator. The board has the ability to hear disputes employers may have with the fund.

The full terms of reference, including the agreed Conflicts of Interest policy are available on the website: <https://www.warwickshire.gov.uk/pensions>

## **9.10 SCHOOLS FORUM**

### **9.10.1 Composition**

The Warwickshire Schools Forum is established under the Education Act 2002. The forum consists of “school” and “non0school” members. School members and academy members must together comprise at least two thirds of the membership of the forum.

The forum has its own constitution governed by statutory requirements which details membership and voting rights.

### **9.10.2 Terms of Reference**

The powers and responsibilities of the schools forum include:

Giving a view on:

- Schools funding formula changes, including redistributions;
- Significant contracts to be let by the council paid out of the schools’ budget;
- Financial issues relating to the arrangements for pupils with SEN, in particular the places to be commissioned by the local authority and schools, and the arrangements for paying top up funding, pupil referral units, in particular the places to be commissioned by the local authority and schools and the arrangements for paying top up funding, early years provision, allocation of central government grant;
- The Minimum Funding Guarantee.

Making decisions about:

- De-delegation from the schools’ budget for mainstream schools for contingencies, administration of free school meals, insurance, licences, staff costs (supply cover), support for ethnic pupils/under achieving groups, behavioural support services, and library and museum services.
- Retaining funding for central spending on pre-16 significant pupil growth, falling rolls fund for surplus places in good or outstanding schools where there is a population bulge expected in 2-3 years, equal pay back pay, places in independent schools for non-SEN pupils and early years expenditure.
- The budget set aside for admissions, servicing of schools forum, CERA, combined budgets, centrally funded termination of employment costs, prudential borrowing and SEN transport.
- The carry forward of a deficit on central expenditure to the next year to be funded from the schools’ budget.
- Changes to the scheme of financial management.

## **9.11 STANDING ADVISORY COUNCIL ON RELIGIOUS EDUCATION (SACRE)**

### **9.11.1 Composition**

Five councillors appointed proportionately to the representation of groups and individual members on the council; five representatives of the Church of England; fourteen representatives of Christian and other religious denominations; six teacher representatives and any other persons co-opted by the body.

The body shall meet at least twice in each year and hold other meetings as necessary. Voting shall be in accordance with the constitution of SACRE.

### **9.11.2 Terms of Reference**

- To advise the cabinet on religious worship and religious education within schools.
- To determine applications by individual schools for exemptions from the requirements of Christian worship.

### ***Joint Arrangements***

### **9.12 HIGHWAY AGENCIES**

The council has highway agency agreements with the following:

Nuneaton and Bedworth Borough Council  
Rugby Borough Council  
Warwick District Council

### **9.13 JOINT USE AGREEMENTS**

The council has also entered into agreements for the joint use of a number of educational and sports facilities:

Alderman Smith School – Sports Hall and sports facilities  
Campion School – Sports Hall  
Etone School – Sports Hall, sports facilities and part of the school  
Nicholas Chamberlaine School – Sports Centre  
Polesworth High School – Sports Hall  
Stour Valley Community School – Swimming Pool

### ***Joint Committees and Panels***

### **9.14 EASTERN SHIRES PURCHASING ORGANISATION [ESPO] MANAGEMENT COMMITTEE**

#### **9.14.1 Composition**

Warwickshire County Council; Leicestershire County Council; Lincolnshire County Council; Cambridgeshire County Council; Norfolk County Council; Leicester City Council and Peterborough City Council.

#### **9.14.2 Purpose**

To improve and maintain effective, efficient and economical arrangements for the supply of goods and services to its constituent authorities.

### **9.15 ALL LOCAL AUTHORITIES OUTSIDE LONDON ADJUDICATION JOINT COMMITTEES**

#### **9.15.1 Composition**

All Local Authorities outside London with responsibilities for on-street parking and traffic regulation.

#### **9.15.2 Purpose**

To administer an adjudication service in respect of civil enforcement of parking and traffic regulation.

**SECTION 10 – DELEGATIONS TO OFFICERS****LOCAL GOVERNMENT ACT 1972: SECTIONS 100 G(2) AND 101  
LOCAL GOVERNMENT ACT 2000: SECTION 15**

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

The tables in the following sections below list the powers and duties delegated to officers by the council and the executive. Local choice functions are not separately identified, they are included as either an executive or non-executive function depending on whether or not the function has been allocated to the executive. For onward delegations made by strategic directors and chief officers see **Part B - Strategic Directors: Delegations to Heads of Service.**

**PART A - STRATEGIC DIRECTORS AND CHIEF OFFICERS****10.1 All Strategic Directors and Chief Officers**

<b>ALL STRATEGIC DIRECTORS and Chief Officers or their nominees</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	Taking and implementing decision on matters relating to day to day administration of services or functions for which they are responsible.	Sections 101 and 111, The Act of 1972; Section 9E, Local Government Act 2000	Executive or non-executive depending on the context
2.	Taking and implementing decisions to maintain the operation and effectiveness of services or functions for which they are responsible.	Sections 101 and 111, The Act of 1972; Section 9E, Local Government Act 2000	Executive or non-executive depending on the context
3.	Taking any necessary decisions incidental to policy decisions that have been taken by elected members.	Sections 101 and 111, The Act of 1972; Section 9E, Local Government Act 2000	Executive or non-executive depending on the context
4.	Authority for all necessary tenders to be obtained and contracts to be completed in relation to the implementation of the revenue budget and capital programme subject to compliance with standing orders.	Section 111, The Act of 1972;	Executive
5.	The strategic director or chief officer originating the report or, in the case of a joint report, the first named strategic director or chief officer, to decide what are the background papers used or referred to in the preparation of the report, to list the background papers on the report and to make a copy of the background papers available for public inspection.	Sections 100 D(1)(a) and 100 D(5)(a), The Act of 1972; Regulations 6 and 21, Local Authorities (Executive Arrangements)(Access to Information) (England) Regulations 2000 as amended; Local Government (Access to Information) Variation Order 2006	Non-executive - reports to the full council and its committees Executive - reports to cabinet, its committees and officer key decisions
6.	The strategic director or chief officer proposing to take a report to a member body in respect of a key decision or a strategic director proposing to take a key decision is responsible for giving prior notice of that decision to the strategic director for resources in accordance with the Access to Information Rules.	Regulations 14 to 16, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Executive - reports to cabinet and its committees or other member bodies making key executive decisions
7.	The strategic director or chief officer prior to taking a key decision is responsible for making any reports received available for public inspection unless it would disclose confidential or exempt information as defined in the Access to Information Rules.	Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Executive

<b>ALL STRATEGIC DIRECTORS and Chief Officers or their nominees (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
8.	The strategic director or chief officer immediately after making a key decision is responsible for producing a written statement setting out the decision, the reasons for the decision, any options considered or rejected, any reports taken into account, any interest declared by a member consulted in respect of the decision and any dispensation granted by the standards committee and sending the written statement and any reports taken into account to the strategic director for resources who will make the written statement and any accompanying reports available for public inspection unless it would disclose confidential or exempt information.	Regulation 4, Local Authorities (Executive Arrangements) (Access to Information)(England) Regulations 2000;  Regulations 5 and 21, Local Authorities (Executive Arrangements) (Access to Information)(England) Regulations 2000	Executive
9.	No strategic director or chief officer or any person nominated by them shall make a key decision which does not comply with the Access to Information Rules.	Local Authorities (Executive Arrangements) (Access to Information)(England) Regulations 2000 as amended	Executive
10.	Reports by strategic directors or chief officers referring to the finances of the council shall not be circulated to members without consultation with the strategic director for resources.	Section 151, The Act of 1972	Executive or non-executive depending on the context
11.	Responsibility for ensuring that financial regulations and financial instructions are observed throughout the departments under their control.	Section 151, The Act of 1972	Non-executive
12.	Responsibility to notify the strategic director for resources of all officers designated to certify and authorise invoices for payment together with specimen signatures.	Section 151, The Act of 1972	Non-executive
13.	Responsibility for ensuring accurate and prompt input of payments data to the creditor's payments system.	Sections 111 and 151, The Act of 1972	Executive or non-executive depending on the context
14.	Responsibility to collect all income as detailed in the appropriate revenue budgets.	Sections 111 and 151, The Act of 1972	Executive
15.	With the approval of the strategic director for resources, and after consultation with the chair of the cabinet, to agree to the council incurring revenue expenditure for which there is no provision in any vote in the annual or supplementary estimates approved by the council or to agree reduced income, where it is not possible to obtain the necessary approval in accordance with the normal committee procedures because of urgency, provided: (i) the expenditure can be met from within the earmarked reserves of the department concerned; and (ii) any requirements of the Access to Information Rules are met.  Any proposal to spend beyond the departments earmarked reserves shall be referred to the full council.	Sections 101, 111 and 151, The Act of 1972;  Section 9E, Local Government Act 2000;  Local Authorities (Executive Arrangements) (Access to Information)(England) Regulations 2000;  Local Authorities (Functions and Responsibilities) (England) Regulations 2000	Executive or non-executive depending on the context
16.	Responsibility to render promptly official invoices for sums due to the council and to notify the strategic director for resources of appropriate details.	Section 151, The Act of 1972	Executive or non-executive depending on the context

<b>ALL STRATEGIC DIRECTORS and Chief Officers or their nominees (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
17.	Responsibility to comply with contract standing orders and ensure every contract and variation to a contract is executed in writing and, in relation to capital contracts where the variation involves a material alteration or extension of the scope of the contract, whether or not the cost can be met within the contract to obtain the prior agreement of the strategic director for resources.	Sections 111, 135 and 151, The Act of 1972 and any other relevant enactment	Executive or non-executive depending on the context
18.	To write off as irrecoverable sums due to the council up to the limit of £500 and authority to the chief executive, after consultation with the strategic director for resources, to revise that limit each year to the nearest £25 in line with changes in the applicable retail price index.	Sections 111 and 151, The Act of 1972; Section 9E, Local Government Act 2000	Executive
19.	In accordance with the council's grading structure and their policy guidelines as set out in their manager's guide, to determine the appointment, promotion and salary levels of the council's employees and other conditions of service matters.	Section 112, The Act of 1972	Non-executive
20.	Each strategic director or chief officer shall be responsible for ensuring that his/her list of delegated powers is kept up to date and appropriate authority obtained from the relevant member body to any changes.	Sections 100G and 101, The Act of 1972; Section 9E, Local Government Act 2000	Executive or non-executive depending on the context
21.	To approve requests for ex gratia payments to complainants up to £1000 in relation to upheld complaints where a financial remedy is appropriate.	Section 111 and 112, The Act of 1972; Section 92, Local Government Act 2000 or other enactment	Non-executive



**10.2 Chief Executive**

**From 4 February 2017 these powers and duties shall be exercisable by the Joint Managing Director (Resources) and any reference to the Chief Executive shall be construed accordingly.**

<b>CHIEF EXECUTIVE or his/her nominee</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	To act as the proper officer for the purposes of any functions conferred on the council except those functions expressly delegated to other officers.	The Act of 1972 and any other enactment conferring functions on the council	Executive or non-executive depending on the context
2.	To act as the returning officer for elections of county councillors.	Section 35, Representation of the People Act 1983	Non-executive
3.	To receive and/or witness declarations of acceptance of office.	Section 83, The Act of 1972	Non-executive
4.	To receive resignations of members of the council.	Section 84, The Act of 1972	Non-executive
5.	To convene meetings of the council to fill a vacancy in the office of chairman.	Section 88, The Act of 1972	Non-executive
6.	To receive notice of a casual vacancy from two local government electors.	Section 89(1)(b), The Act of 1972	Non-executive
7.	To sign the summons to members to attend council meetings.	Schedule 12, The Act of 1972	Non-executive
8.	To sign the summons to members to attend meetings of the executive.	Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Executive
9.	To receive and deal with documents relating to elections.	Local Elections (Principal Areas) Rules 1986	Non-executive
10.	To review the scale of fees for the conduct of elections before each county council quadrennial election to ensure that they are comparable with those paid by the Warwickshire District Councils.	Section 36, Representation of the People Act 1983; Section 111, The Act of 1972	Non-executive
11.	To approve the payment of any future revised maxima notified in respect of members' allowances.	Sections 173 to 178, The Act of 1972; Section 18, Local Government & Housing Act 1989	Non-executive
12.	Together with the strategic director for resources, to review members' quarterly postage and stationery allowances annually in line with changes in the retail price index and to review the initial members' allowance after each quadrennial election on the same basis.	Sections 173 to 178, The Act of 1972; Section 18, Local Government & Housing Act 1989	Non-executive
13.	Authority to receive money from officers accountable for it.	Section 115, The Act of 1972	Non-executive
14.	To issue certificates and make statutory declarations concerning the transfer of securities held by the council.	Section 146, The Act of 1972	Executive
15.	To affix the common seal of the council to any document required to give effect to decisions of the council, any member body or officer acting with delegated powers.	Sections 111 and 135, The Act of 1972	Executive or non-executive depending on the context
16.	To receive and deal with applications from ordnance survey for assistance in preparation of ordnance survey maps.	Section 191, The Act of 1972	Executive
17.	To receive documents to be held in the custody of the council.	Section 225, The Act of 1972	Executive or non-executive depending on the context
18.	To certify photographic copies of documents.	Section 229, The Act of 1972	Executive or non-executive depending on the context
19.	To authenticate documents.	Sections 234 and 238, The Act of 1972	Executive or non-executive depending on the context

<b>CHIEF EXECUTIVE or his/her nominee (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
20.	To send copies of bylaws to district councils.	Section 236, The Act of 1972	Non-executive
21.	To institute, prosecute or to defend, compromise or to appear in any legal proceedings.	Section 222, The Act of 1972 and any other enactment conferring powers on the council	Executive or non-executive depending on the context
22.	To act as the authorised representative of the council in respect of all companies of which the council is, or may become, a member or a shareholder.	Section 323, Companies Act 2006	Executive or non-executive depending on the context
23.	To approve, after consultation with the chair of the staff and pensions committee and chair of the cabinet, voluntary redundancies where it is in the council's interest to allow the employee concerned to retire early (or otherwise take voluntary redundancy on the council's usual terms) and there would be a net financial cost to the authority in doing so.	Section 112, The Act of 1972	Non-executive
24.	Subject to policy guidelines laid down by the council, to approve proposals on personnel matters from employing departments and, in respect of proposals not falling within the guidelines, to exercise his/her discretion to approve the proposals.	Section 112, The Act of 1972	Non-executive
25.	To select members from a pool of members to form the appointments and disciplinary appeals sub-committees as and when required.	Sections 101 and 111, The Act of 1972	Non-executive
26.	To agree, in consultation with the procurement steering group, any revised arrangements for the procurement of goods and services as he/she considers appropriate.	Section 111, The Act of 1972; Section 2, Local Government Act 2000	Executive
27.	To take all necessary steps to establish the independent remuneration panel, appoint the members of the panel, agree their terms and conditions and arrange any meetings of the panel.	Section 18, Local Government & Housing Act 1989; Sections 100 and 105, Local Government Act 2000; Local Authorities (Members' Allowances) (England) Regulations 2003	Non-executive
28.	Duty to publish notice if proposals relating the changing governance arrangements are not approved in referendum.	Section 33K(6), Local Government Act 2000	Non-executive
29.	To determine disputes on terms and conditions satisfactory to the Strategic Director for Resources under the LGPS Pension Disputes Resolution Procedures on behalf of the administering authority and to nominate appropriate persons to deal with the first instance decisions and adjudications on behalf of the administering authority.	Section 50, Pensions Act 1995	Non-executive

**10.3 Strategic Director for Resources**

**From 4 February 2017 these powers and duties shall be exercisable by the Joint Managing Director (Resources) and any reference to the Strategic Director for Resources shall be construed accordingly.**

<b>STRATEGIC DIRECTOR FOR RESOURCES or his/her nominee shall have the following powers and duties other than those of the Chief Finance Officer set out in Article 7.4</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	To act as the head of paid service of the council.	Section 4, Local Government & Housing Act 1989	Non-executive
2.	To act as the proper officer for the purposes of the Access to Information Rules except those functions expressly delegated to other strategic directors of chief officers.	Section 100, The Act of 1972;  Sections 22 and 105, Local Government Act 2000;  Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000;  Local Government (Access to Information) Variation Order 2006	Executive or non-executive depending on the context
3.	To decide which reports to be considered by a committee are not likely to be considered in public, to mark them " <i>not for publication</i> " and to identify the category of exempt or confidential information they contain.	(a) Section 100 B(2), The Act of 1972;  Local Government (Access to Information) Variation Order 2006  (b) Regulation 11, Local Authorities (Executive Arrangements) Access to Information (England) Regulations 2000	(a) Non- executive  (b) Executive
4.	To make the written statement and any accompanying reports relating to officer key decisions available for public inspection unless it would disclose confidential or exempt information.	Regulations 5 and 21, Local Authorities (Executive Arrangements) Access to Information (England) Regulations 2000	Executive
5.	To supply to the press on request, and at his/her discretion, copies of documents which are supplied to committees, but which are not included in the report(s) with the agenda.	(a) Section 100 B(2), The Act of 1972;  (b) Regulations 11 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	(a) Non- executive  (b) Executive
6.	To make a written summary of the proceedings at a meeting when it is not open to the public in such a way as to form a reasonably fair and coherent record of proceedings without disclosing confidential or exempt information.	(a) Section 100 C(2), The Act of 1972;  (b) Regulations 3 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	(a) Non-executive  (b) Executive
7.	To decide which documents, bearing in mind exempt or confidential information requirements, in the possession of the cabinet or any committee relating to business to be transacted at a meeting but not included with the agenda for the meeting shall be open to inspection by members of the council who may be entitled to see them under their common law rights or other rights. Any dispute about their rights will be referred to the appropriate member body.	(a) Section 100 F(2), The Act of 1972;  (b) Regulations 17, 18 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	(a) Non-executive  (b) Executive
8.	To decide which documents, bearing in mind confidential or exempt information requirements, in the possession of an officer relating to key decisions shall be open to inspection by members of the council who may be entitled to see them. Any dispute about their rights will be referred to the cabinet.	Regulations 17, 18 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Executive
9.	To receive and record notices of financial interest from members.	Section 96, The Act of 1972	Non-executive

<b>STRATEGIC DIRECTOR FOR RESOURCES or his/her nominee (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
10.	To receive on deposit lists of protected buildings.	Section 2, Planning (Listed Buildings & Conservation Areas) Act 1990	Executive
11.	To write off as irrecoverable sums due to the council up to a limit of £2000, to revise that limit each year to the nearest £25 in line with changes in the applicable retail price index.	Sections 111 and 151, The Act of 1972	Executive
12.	To institute, prosecute or to defend, compromise or to appear in any legal proceedings.	Section 222, The Act of 1972 and any other enactment conferring powers on the council	Executive or non-executive depending on the context
13.	To complete and authenticate any document and take any other step in order to give effect to a decision of the council (whether made by a member body or an officer).		Executive or non-executive depending on the context
14.	To exercise the functions of the council relating to the organisation of the registration services and to act as the proper officer for those services.	Registration Services Act 1953 as amended	Executive
15.	To exercise the powers of the council under the listed provisions in addition to instigating proceedings for possession of land in the county court, such powers to be exercised following a request from the appropriate strategic director.	Sections 77, 78 and 79, Criminal Justice & Public Order Act 1994 as amended	Executive
16.	To obtain information as to interests inland and the particulars of persons interested in land.	Section 330, Town and Country Planning Act 1990; Section 16 Local Government (Miscellaneous Provisions) Act 1976	Non-executive
17.	To sign, to issue and to serve notices on behalf of the council in relation to highways and public rights of way.	Highways Act 1980; Rights of Way Act 1990; Wildlife and Countryside Act 1981; Road Traffic Regulation Act 1984; Cycle Tracks Act 1984; New Roads and Street Works Act 1991; Clean Neighbourhood & Environment Act 2005; and any other enactment conferring functions on the council	Executive or non-executive depending on the context
18.	To enter agreements in relation to the execution of highway works or improvements and agreements regulating development or use of land.	Sections 184 and 278, Highways Act 1980; Section 106, Town & Country Planning Act 1990	Non-executive
19.	To enter into agreements for the future maintenance of roads provided by developers.	Section 38, Highways Act 1980	Non-executive
20.	To determine applications for certificates of lawful use or development or proposed use or development.	Sections 191 and 192, Town & Country Planning Act 1990	Non-executive
21.	To take action by way of Planning Contravention Notices, Breach of Condition Notices, Enforcement Notices, Stop Notices and Temporary Stop Notices.	Section 171C, 171E, 172, 187A, 187B and 183(1), Town & Country Planning Act 1990	Non-executive
22.	In consultation with the chief fire officer: (i) to exercise the council's powers of inspection and enforcement; (ii) to issue all notices and licences; and (iii) to institute legal proceedings in relation to the listed enactments.	Fire Precautions Act 1971; Safety of Sports Grounds Act 1975; Fire Safety & Safety of Places of Sport Act 1987; and any Orders, Regulations or Directives made amending, varying, extending or re-enacting the same.	Non-executive
23.	To prosecute for causing nuisance or disturbance on educational premises.	Section 40, Local Government (Miscellaneous Provisions) Act 1982	Executive
24.	To appoint members as required from time to time to hear school admission and exclusion appeals and to constitute panels of 3 or 5 as required.	Part III, School Standards & Framework Act 1998	Non-executive

<b>STRATEGIC DIRECTOR FOR RESOURCES or his/her nominee (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
25.	To amend the constitution to reflect any changes made by the council, its subsidiary bodies or the leader or cabinet to ensure the constitution remains up to date.	Section 37, Local Government Act 2000	Executive or non-executive as appropriate
26.	To update the constitution to reflect changes where delegation of powers have been made under particular legislation which has been repealed / amended and substantially re-enacted / amended in new legislation.	Section 37, Local Government Act 2000	Executive or non-executive as appropriate
27.	To take any necessary steps to implement the agreed petitions scheme and operate the scheme in accordance with those arrangements, including deciding whether or not a petition meets the requirements of the scheme.	Sections 10 to 22, Local Democracy, Economic Development & Construction Act 2009	Non-executive
28.	To make any arrangements as he/she considers necessary for terrorism cover, as and when such cover is available.	Section 111, The Act of 1972; Section 2, Local Government Act 2000	Executive
29.	In relation to Pride in Camp Hill Limited: (i) to confirm to the board that the council has or will endeavour to get all necessary approvals, powers, etc., in order to comply with the terms; (ii) to notify other partners if the council becomes aware that another partner is in default; (iii) to select/agree an independent person (expert) in the case of deadlock; and (iv) to notify the company if the council believes the company or any group company has become subject to the influence of a local authority.	Section 2, Local Government Act 2000	Executive
30.	In relation to Pride in Camp Hill Limited, jointly with the strategic director for communities: (i) to give consent to the appointment of directors other than partner directors; (ii) to agree to the WCC director not being on a committee/sub-committee of the company; and (iii) to demonstrate best endeavours to obtain the necessary consents for Dev1 to arrange for the transfer of freehold of Dev1.	Section 2, Local Government Act 2000	Executive
31.	In relation to Pride in Camp Hill Limited to agree the company changing the accounting reference date.	Section 2, Local Government Act 2000	Executive
32.	To develop and introduce a standard approach to race equality for contracts below £100,000 in value.	Section 2, Local Government Act 2000	Executive
33.	To exercise overall management control of authorisations under RIPA and to make such alterations to the designations of authorising officers as he/she sees fit.	Regulation of Investigatory Powers Act 2000	Executive
34.	Subject to any statutory restrictions, to determine fees that may be charged in respect of Freedom of Information requests.	Freedom of Information Act 2000	Executive
35.	Duty to publish information about the Local Area Agreement.	Section 113, Local Government & Public Involvement in Health Act 2007	Non-executive
36.	Responsibility for maintaining an internal audit service including visiting council establishments to conduct audits.	Section 151, The Act of 1972; Regulation 6, Accounts & Audit Regulations 2003	Non-executive
37.	Authority to make representations in response to applications made under the Gambling Act 2005 (authority is also given to the strategic director for people and chief fire officer).	Gambling Act 2005	Executive



<b>STRATEGIC DIRECTOR FOR RESOURCES or his/her nominee (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
38.	To exercise the powers of the council in relation to the provision of advice, training and support for school governors.	Sections 19(3) and 22, Educational Act 2002 and any associated legislation	Executive
39.	To exercise the powers of the council in relation to the governance of schools jointly with the strategic director for people.	Education Act 1962; Education Act 1980; Education Act 1996; Education Act 1997; Education Act 2002; Education (Fees and Awards) Act 1983; Education Reform Act 1988; Employment & Training Act 1973; Further Education Act 1985; School Standards & Framework Act 1998; Schools Inspections Act 1996	Executive or non-executive depending on the context
<b>STRATEGIC DIRECTOR FOR RESOURCES or his/her nominee</b>			
<b>Village Greens</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	Power to register land as a town or village green where the application is made by the owner of any land under section 15(8) of the Commons Act 2006.	Section 15(8), Commons Act 2006; Regulation 8, Commons (Registration or Town & Village Greens) (Interim Arrangements) (England) Regulations 2007	Non-executive
2.	Functions relating to the registration of common land and town or village greens.	Part I, Commons Act 2006 (c.26); The Commons Registration (England) Regulations 2014 (S.I. 2014/3038)	Non-executive
3.	Power to apply for an enforcement order against unlawful works on common land.	Section 41, Commons Act 2006	Non-executive
4.	Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	Section 45(2)(a), Commons Act 2006	Non-executive
5.	Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.	Section 45(2)(b), Commons Act 2006	Non-executive
<b>STRATEGIC DIRECTOR FOR RESOURCES or his/her nominee</b>			
<b>Libraries and Heritage</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	To review the fixed fee, the per minute on-line charge and the printing charge in respect of commercial searches via the on-line information services operated through the council's libraries.	Public Libraries & Museums Act 1964; Section 150, Local Government & Housing Act 1989; The Library Charges (England & Wales) Regulations 1991	Executive
2.	To agree any change in the charging structure for the sound recordings service operated through the council's libraries.	Public Libraries & Museums Act 1964; Section 150, Local Government & Housing Act 1989; The Library Charges (England & Wales) Regulations 1991	Executive
3.	To review and to vary, where appropriate, the level of fines for the late return of books, fees for requests for books and charges for photocopies in order to achieve income targets established for the council's libraries.	Public Libraries & Museums Act 1964; Section 150, Local Government & Housing Act 1989; The Library Charges (England & Wales) Regulations 1991	Executive
4.	To determine the scale of charges for the fax service available to the public at the Rugby and Warwick libraries in order to maintain it on a self-financing basis.	Public Libraries & Museums Act 1964; Section 150 Local Government & Housing Act 1989; The Library Charges (England & Wales) Regulations 1991	Executive
5.	To make representations on behalf of library services relating to the formulation of local planning policies, including if necessary attendance at inquiries and other proceedings.	Section 2, Local Government Act 2000	Executive

<b>STRATEGIC DIRECTOR FOR RESOURCES or his/her nominee (cont'd)</b>			
<b>Property Management</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	To proceed with all building projects without reference to cabinet for approval of scheme design plans.	Section 111, The Act of 1972; Section 15, Local Government Act 2000	Executive
2.	To appoint external professional consultants as required to deal with building development and property matters, appointments to be reported to the appropriate committee for information.	Section 1, Local Government (Contracts) Act 1997 or any other enactments conferring such powers	Executive
3.	To authorise all sales at market value, purchases (except compulsory purchase) and appropriations of council land for different purposes where the consideration is no greater than £100,000.	Sections 120, 122 and 123, The Act of 1972 and any applicable statutory consents	Executive
4.	To grant at market value and take up leases, easements and licences over council property or for the benefit of the council where the annual rent or fee consideration is no greater than £25,000.	Sections 120, 122 and 123, The Act of 1972 and any applicable statutory consents	Executive
5.	To negotiate and authorise revised rentals or fees for existing leases, easements or licences at review dates in accordance with existing lease, easement or licence provisions.	Sections 111 and 123, The Act of 1972 and any applicable statutory consents	Executive
6.	To seek development agreements, where necessary, in connection with the disposal of land on the council's industrial estates.	Section 123, The Act of 1972; Local Authorities (Land) Act 1963 and any applicable statutory consents	Executive
7.	To make planning applications on behalf of the council.	Section 9E, Local Government Act 2000	Executive
8.	To make applications on behalf of the council: (i) for planning permission for works for the alteration or extension of listed buildings; (ii) for listed building consent to the demolition, alteration or extension of listed buildings; and (iii) for the demolition of unlisted buildings in conservation areas.	Section 9E, Local Government Act 2000; Regulation 7(1)(a), Town & Country Planning General Regulations 1992; Regulation 3, Planning (Listed Buildings & Conservation Areas) Regulations 1990	Executive
<b>Rural Estates</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	To sign agricultural tenancy agreements in respect of the smallholdings estate on behalf of the council.	Section 123, The Act of 1972 and applicable statutory consents	Executive
2.	To appoint tenants to smallholdings subject to prior consultation with the panel of members established for this purpose.	Section 123, The Act of 1972 and applicable statutory consents	Executive
3.	To authorise, within the council's smallholdings or country parks estate, all sales at market value, purchases (except compulsory purchase) and appropriations of council land for different purposes where the consideration is no greater than £100,000.	Sections 120, 122 and 123, The Act of 1972 and applicable statutory consents	Executive
4.	To grant at market value and take up leases, easements, and licences over the council's smallholdings or country parks estate or for the benefit of the smallholdings or country parks estate where the annual rent or fee consideration is no greater than £25,000.	Sections 120, 122 and 123, The Act of 1972 and applicable statutory consents	Executive
5.	To negotiate and authorise, in connection with the council's smallholdings or country parks estate, revised rentals for fees for existing leases, easements or licences at review dates in accordance with existing lease, easement or licence provisions.	Sections 120, 122 and 123, The Act of 1972 and applicable statutory consents	Executive

<b>STRATEGIC DIRECTOR FOR RESOURCES or his/her nominee (cont'd)</b>			
<b>Rural Estates (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
6.	To grant at market value and take up leases, easements and licences over the council's business centre properties where the annual rent or fee consideration is no greater than £25,000.	Sections 120, 122 and 123, The Act of 1972 and applicable statutory consents	Executive
7.	To negotiate and authorise in connection with the council's business centre properties revised rentals or fees for existing leases, easements or licences at review dates in accordance with existing lease, easement or licence provisions.	Sections 120, 122 and 123, The Act of 1972 and applicable statutory consents	Executive
<b>Financial Management</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	Responsibility for reviewing the financial regulations from time to time and recommending to the audit and standards committee any amendment which he/she considers desirable.	Section 151, The Act of 1972	Non-executive
2.	Responsibility for updating monetary sums included in the financial regulations from time to time by reference to the appropriate price indices.	Section 151, The Act of 1972	Non-executive
3.	Responsibility the proper administration of the council's financial affairs and ensuring that safe and efficient arrangements are made for the receipt and payment of money.	Section 151, The Act of 1972	Non-executive
4.	Responsibility for the overall supervision of any systems that involve the receipt or payment of money.	Section 151, The Act of 1972	Non-executive
5.	Advising chief officers as necessary on financial arrangements.	Section 151, The Act of 1972	Non-executive
6.	To have access to all documents and books concerned with finance.	Section 151, The Act of 1972	Non-executive
7.	Responsibility, in consultation with the monitoring officer and the chief officer concerned, for carrying out or supervising investigations into any suspected financial irregularities.	Section 151, The Act of 1972	Non-executive
8.	Responsibility for the operation of the council's bank accounts in accordance with the banking agreement approved by the council and their bankers.	Section 151, The Act of 1972	Executive
9.	Responsibility for ordering and controlling the issue of council cheques, including directions for their signing.	Section 151, The Act of 1972	Non-executive
10.	To make all payments out of the superannuation fund on the certification of or on behalf of the appropriate chief officer that the expenditure is authorised.	Superannuation Act 1972 and any enactment amending the same and any orders regulations	Non-executive
11.	To make all payments out of the county fund on the certification of or on behalf of the appropriate chief officer that the expenditure is authorised.	Section 111, The Act of 1972	Executive
12.	Responsibility, in consultation with the chief officers concerned, for making imprest advances and deciding the conditions under which such accounts are to be operated.	Section 151, The Act of 1972	Non-executive
13.	Responsibility for amending estimates to take account of changes in pay and prices and agreeing cash budgets, where appropriate, to allow for expected price changes, to the extent that any increases can be met from the council's reserves under the control of the cabinet.	Section 151, The Act of 1972	Executive



<b>STRATEGIC DIRECTOR FOR RESOURCES or his/her nominee (cont'd)</b>			
<b>Financial Management (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
14.	Responsibility for raising loans and arranging such other financial facilities, e.g. leasing, as may be required, subject to the general direction of the cabinet.	Section 151, The Act of 1972 and any other enactment or provision conferring such powers on the council	Non-executive
15.	Responsibility for the purchase and sale of investments of the council.	The Act of 1972 and any other enactment or provision conferring such powers on the council	Executive
16.	Responsibility for the purchase and sale of investments of the superannuation fund.	Superannuation Act 1972	Non-executive
17.	Responsibility for the temporary investment or utilisation of revenue balances.	Section 111 and 151, The Act of 1972	Executive
18.	Responsibility for supervising the collection of money and for giving detailed instructions.	Section 151, The Act of 1972	Non-executive
19.	Responsibility for agreeing the form of income records kept by each department.	Section 151, The Act of 1972	Non-executive
20.	Responsibility for the ordering, control and issue of all official receipt books, tickets and other similar documents.	Section 151, The Act of 1972	Non-executive
21.	Responsibility for the examination of accounts passed for payment and payment of those accounts.	Section 151, The Act of 1972	Non-executive
22.	Responsibility for payment of salaries, wages, superannuation, compensation and other emoluments.	Section 151, The Act of 1972	Non-executive
23.	Responsibility for payments in respect of all liabilities falling to be discharged by the council which are not otherwise detailed in financial regulations.	Section 151, The Act of 1972	Executive or non-executive depending on the context
24.	Responsibility for keeping a contract ledger in respect of all contracts showing the state of account between the council and each contractor.	Section 151, The Act of 1972	Non-executive
25.	Responsibility for prescribing the items to be included in inventories.	Section 151, The Act of 1972	Non-executive
26.	To veto the inclusion of contractors in a contractors' list for contracts exceeding £100,000.	Section 151, The Act of 1972	Non-executive
27.	Requirements to review at least every two years, and to revise if necessary, the figures included in contract standing orders having regard to changes in the appropriate index since the last review.	Section 151, The Act of 1972	Non-executive
28.	To dissolve the special reserve funds for the maintenance of buildings, library books, school meals and miscellaneous matters, to reduce, if necessary, the road maintenance reserve and to transfer the balances to the county fund to maximise the financial benefit to the council.	Section 41, Local Government & Housing Act 1989	Executive
29.	To declare the rate of interest chargeable by the authority on loans for housing and other purposes.	Section 438, Housing Act 1985	Executive
30.	Responsibility for accepting individuals employed by admitted bodies into the Local Government Superannuation Scheme.	Superannuation Act 1972	Non-executive
31.	Together with the chief executive, to review members' quarterly postage and stationery allowances annually in line with changes in the retail price index and to review the initial members' allowance after each quadrennial election on the same basis.	Sections 173 to 178, The Act of 1972; Section 18, Local Government & Housing Act 1989	Non-executive

<b>STRATEGIC DIRECTOR FOR RESOURCES or his/her nominee (cont'd)</b>			
<b>Financial Management (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
32.	To take appropriate action annually to maximise the financial benefit to the council when the accounts for the year in question are finalised.	Sections 111 and 151, The Act of 1972	Executive
33.	In relation to Pride in Camp Hill Limited: (i) to carry out any functions prior to adoption of the first business plan and cash flow; (ii) to agree to the company changing its accounting policies, principles or practices of the company; and (iii) to agree their annual accounts.	Section 2, Local Government Act 2000	Executive
34.	In relation to Pride in Camp Hill Limited, jointly with the strategic director for communities: (i) to receive quarterly the current cash flow, contribution account and minutes of meetings; and (ii) in the event of an early exit notice, attend a resolution meeting.	Section 2, Local Government Act 2000	Executive
35.	To exercise the powers and duties set out in the treasury management strategy.	Section 151, The Act of 1972	Executive
36.	Together with the strategic director for communities, to authorise the trading of landfill allowances pursuant to the Landfill Allowance Trading Scheme prior to any trade.		

**10.4 Strategic Director for People**

<b>STRATEGIC DIRECTOR FOR PEOPLE or his/her nominee</b>			
<b>Adult Social Care</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	To make one-off grants not exceeding £1000 to voluntary organisations providing relevant services.	Section 65, Health Services & Public Health Act 1968	Executive
2.	To make payments up to £1000 to disabled persons.	Section 2, Chronically Sick & Disabled Persons Act 1970	Executive
3.	To approve the use of adult social care premises by other organisations when not required for adult social care purposes at charges that will cover any additional costs to the council.	Section 123, The Act of 1972; Section 65, Health Services & Public Health Act 1968	Executive
4.	To act on behalf of the council in relation to its powers and duties in respect of guardianship.	Mental Health Act 1983	Executive
5.	In consultation with the strategic director for resources, to vary the access policy relating to adult social care client case files within the overall policies of the council.	Data Protection Act 1998 and regulations and orders made thereunder	Executive
6.	On or after 1 October 2002 to waive any charges for home care or other non-residential social services payable in whole or in part by: (i) any charge payer whose overall income does not exceed the appropriate basic level plus 25%; and (ii) any charge payer in receipt of more than 10 hours weekly home care following as assessment of income and disability costs.	Section 17, Health & Social Services & Social Security Adjudications Act 1983 or Care Act 2014	Executive
7.	To act as the authorised officer for the purposes of the Learning Disability Partnership established under section 31 of the Health Act 1999.	Section 31, Health Act 1999; Section 2, Local Government Act 2000	Executive
8.	To waive any charges payable in whole or in part from 1 April 2003 by any charge payer in receipt of home care and day care following an assessment of their income, capital and disability related expenditure.	Section 17, Health & Social Services & Social Security Adjudications Act 1983 or Care Act 2014	Executive
9.	To act in relation to the implementation of the Care Act 2014 where such delegation is required either by regulation or as suggested in guidance received from the Department of Health subject to compliance with all policy decisions taken by the council.	Care Act 2014	Executive
10.	To exercise the discretions set out in the council's deferred payments scheme.	Care Act 2014	Executive
<b>Adult Education</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	To take all necessary steps to discharge the council's responsibilities to secure the provision of full and part-time education, social, recreational and/or physical training facilities for over-19 year olds.  In exercising these powers he/she is required to observe all policy decisions taken by the council and its relevant bodies.	Sections 15B and 508, Education Act 1996	Executive

<b>STRATEGIC DIRECTOR FOR PEOPLE or his/her nominee (cont'd)</b>			
<b>Children's Services</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	<p>In relation to persons under 19 years, to take and implement all necessary decisions, including the allocation of resources within approved estimates, so as to maintain the operation and effectiveness of all the education services for which the strategic director is responsible and which are statutorily covered by the listed principal Acts of Parliament and regulations arising thereunder.</p> <p>To exercise the powers of the council in relation to the governance of schools jointly with the strategic director for resources.</p> <p>In exercising these powers he/she is required to observe all policy decisions taken by the council and its relevant bodies.</p>	<p>Academies Act 2010;  Anti-Social Behaviour Act 2003;  Childcare Act 2006;  Children and Families Act 2014;  Education &amp; Inspections Act 2006;  Education Act 1962;  Education Act 1980;  Education Act 1996;  Education Act 1997;  Education Act 2002;  Education Act 2005;  Education Reform Act 1988;  Education (Fees &amp; Awards) Act 1983;  Employment &amp; Training Act 1973;  Further Education Act 1985; School Inspections Act 1996;  School Standards &amp; Framework Act 1998</p>	Executive or non-executive depending on the context
2.	To institute proceedings in relation to failures to secure the attendance of children at school or failures to comply with school attendance orders.	Sections 437 to 447, Education Act 1996	Executive
3.	To take all necessary steps to discharge the council's responsibilities to secure the provision of full or part-time education and recreational, social and physical training for 16-19 year olds.	Sections 15A, 507 and 508, Education Act 1996	Executive
4.	To make one-off grants not exceeding £1000 to voluntary organisations providing relevant services.	Section 65, Health Services & Public Health Act 1968	Executive
5.	To revise annually pocket money allowance for looked after children in foster care or children's home in line with the retail price index.	Part III, Children Act 1989 and any regulations made thereunder	Executive
6.	To make "exceptional needs" payments up to £1000 to local authority foster parents of looked after children.	Part III, Children Act 1989 and any regulations made thereunder	Executive
7.	To approve the making of capital loans, in a form and on terms agreed with the strategic director for resources, to local authority foster parents for housing extensions provided the resources are available.	Section 23, Children Act 1989; Section 111, The Act of 1972; Section 2, Local Government Act 2000	Executive
8.	To undertake the functions of the council as an adoption agency, subject to consultation where necessary with the adoption panel.	Section 9E, Local Government Act 2000; Adoption Act 1976; Adoption and Children Act 2002	Executive
9.	To appoint the members of the adoption panel other than the appointment of elected members of the council to serve on the panel.	Section 9E, Local Government Act 2000; Adoption Act 1976; Adoption and Children Act 2002	Executive
10.	To update the adoption procedures within the overall policy and after consultation with the adoption panel.	Section 9E, Local Government Act 2000; Adoption Act 1976; Adoption and Children Act 2002	Executive
11.	To institute and defend proceedings in relation to the care of children, the exercise of parental responsibility, provision of secure accommodation and wardship proceedings, and to intervene, where appropriate, in matrimonial, guardianship and special guardianship proceedings.	Section 111, The Act of 1972; Section 9E, Local Government Act 2000; Parts II, IV and V, Children Act 1989 as amended; Supreme Court Act 1981	Executive
12.	To act on behalf of the council in relation to its powers and duties in relation to day care, child minders and private fostering.	Parts IX and X, Schedules 8 and 9, Children Act 1989	Executive

<b>STRATEGIC DIRECTOR FOR PEOPLE or his/her nominee (cont'd)</b>			
<b>Children's Services (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
13.	To make payments up to £1000 to support a child in need in exceptional circumstances.	Section 17, Children Act 1989	Executive
14.	To act in relation to the implementation of all those provisions of the Children Act 1989 where such delegation is required either by regulation or as suggested in guidance received from the Department of Health.	Section 9E, Local Government Act 2000; Children Act 1989 and any regulations made thereunder; and guidance under Section 7 Local Authority Social Services Act 1970	Executive
15.	In consultation with the strategic director for resources, the chair of the cabinet and relevant portfolio holder, to introduce charges under the Children Act 1989 in line with guidance from the Department of Health.	Section 29, in Part III of Schedule 2 Children Act 1989	Executive
16.	On or after 1 January 2003 to determine any new applications for financial assistance by way of grant or loan and to grant waivers in whole or part of repayments under the revised Policy on Foster Carer Adaptations.	Section 23, Children Act 1989; Section 111, The Act of 1972; Section 2, Local Government Act 2000	Executive
17.	In consultation with the strategic director for resources, to vary the access policy relating to children's services social care client case files within the overall policies of the council.	Data Protection Act 1998 and regulations and orders made thereunder	Executive
18.	Authority to make representations in response to applications under the Licensing Act 2003 on behalf of the council as the children's services authority.	Licensing Act 2003	Executive
19.	Authority to make representations in response to applications made under the Gambling Act 2005 (authority is also given to the strategic director for resources and chief fire officer).	Gambling Act 2005	Executive

**10.5 Chief Fire Officer**

<b>CHIEF FIRE OFFICER or his/her nominee</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	To discharge the powers, duties and responsibilities of the council as a fire & rescue services, including in particular: (i) the promotion of fire safety; (ii) the extinguishment of fires and the protection of life and property; (iii) the rescue of persons from road traffic accidents; and (iv) responding to emergencies and other incidents likely to cause harm to persons or to the environment.	Fire & Rescue Services Act 2004 and any Fire & Rescue Service National Framework made by the Secretary of State under Section 21 of the Act and for the time being in force; Safety of Sports Grounds Act 1975; Fire Safety & Safety of Places of Sport Act 1987; Civil Contingencies Act 2004 and any Orders, Rules, Regulations or Directives made amending, varying, extending or re-enacting the same	Executive or non-executive depending on the context
2.	To authorise in writing officers in the fire & rescue service to exercise emergency powers of fire prevention, fire-fighting or rescue including powers of entry onto premises, moving or breaking into vehicles, closure of highways, traffic regulation and restriction of access to premises and all supplementary statutory powers.	Section 44, Fire & Rescue Services Act 2004 and any Orders, Rules, Regulations or Directives made amending, varying, extending or re-enacting the same	Executive or non-executive depending on the context
3.	To exercise the council's powers of inspection and enforcement to appoint officers in the fire & rescue service as inspectors and otherwise to authorise in writing officers in the fire & rescue service to exercise powers of entry onto premises, investigation, sampling and inspection and all supplementary powers and to issue all notices and licences in relation to the listed enactments.	Fire & Rescue Services Act 2004; Safety of Sports Grounds Act 1975; Fire Safety & Safety of Places of Sport Act 1987; Regulatory Reform (Fire Safety) Order 2005 and any Orders, Rules, Regulations or Directives made amending, varying, extending or re-enacting the same	Executive or non-executive depending on the context
4.	To deal with all standard requests for secondary employment from uniformed personnel in accordance with the criteria laid down in the National Scheme of Conditions of Service and the department's appropriate service orders; requests only to be referred to the regulatory committee where the proposed secondary employment is of an exceptional nature and clearly requires special consideration.	Section 112, Local Government Act; Fire & Rescue Services Act 2004	Non-executive
5.	Authority to make representations in response to applications under the Licensing Act 2003 on behalf of the council as fire authority.	Licensing Act 2003	Executive
6.	Authority to make representations in response to applications made under the Gambling Act 2005 and in response to consultation on the Licensing Authorities licensing policies (authority is also given to the strategic director for people and the strategic director for resources).	Gambling Act 2005	Executive
7.	To determine disputes on terms and conditions satisfactory to the strategic director for resources under the Firefighters' Internal Pension Dispute Resolution Procedures and to nominate appropriate person to whom such disputes should be referred for a decision in the first instance.	Section 50, Pensions Act 1995	Non-Executive



### 10.6 Strategic Director for Communities

From 4 February 2017 these powers and duties shall be exercisable by the Joint Managing Director (Communities) and any reference to the Strategic Director for Communities shall be construed accordingly.

<b>STRATEGIC DIRECTOR FOR COMMUNITIES or his/her nominee</b>			
<b>Crime and Disorder</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	Responsibility for liaising with other responsible authorities in the formulations and implementation of a strategy for the reduction of crime and disorder and for combating the misuse of drugs.	Crime & Disorder Act 1998	Executive
<b>Emergency Planning</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	To carry out the council's emergency planning functions including the assessment of risk of emergencies occurring and taking measures for preventing an emergency, dealing with its effects, giving advice or assistance to the public and taking any other action in connection with an emergency. To liaise with the West Midlands Regional Planning Board and other appropriate bodies in the development of such plans and their implementation.	Civil Contingencies Act 2004	Executive or non-executive depending on the context
<b>Heritage and Museum Services</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	To impose a reasonable charge for correspondence and searches made in response to genealogical enquiries at the Warwickshire County Record Office.	Public Libraries & Museums Act 1964; Section 150, Local Government & Housing Act 1989; The Library Charges (England & Wales) Regulations 1991	Executive
2.	To make representations on behalf of the heritage and museum services relating to the formulation of local planning policies, including if necessary attendance at inquiries and other proceedings.	Section 2, Local Government Act 2000	Executive
<b>Trading Standards</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	To issue, renew, suspend and revoke registrations and licences, on behalf of the council in relation to petroleum storage, explosive storage and sales and performing animals under the Acts listed; including any Regulations, Orders or Rules made under them.  To collect charges and fees in relation to issuing, varying and renewal of registrations and licences on behalf of the council.	Performing Animals (Regulation) Act 1925; European Communities Act 1972 – Explosives Regulations 2014; Health & Safety at Work, etc. Act 1974 – Petroleum (Consolidation) Regulations 2014; and Fireworks Act 2003	Non-executive
2.	To record, suspend and revoke registrations, declarations and approvals, on behalf of the county council under the Act and Regulations listed.  To collect fees in relation to approvals and amendments to approvals, on behalf of the council.	European Communities Act 1972; Animal Feed (Hygiene, Sampling, etc. and Enforcement) (England) Regulations 2015; Feed (Hygiene and Enforcement) (England) Regulations 2005	Non-executive
3.	To issue, vary, suspend and revoke any animal movement licence, permit or authorisation, on behalf of the council under the Act and Regulations listed.	Animal Health Act 1981 – Disease Control (England) Order 2003	Non-executive

<b>STRATEGIC DIRECTOR FOR COMMUNITIES or his/her nominee (cont'd)</b>			
<b>Trading Standards (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
4.	<p>To institute legal proceedings and to appear on behalf of the council before any Court of Summary Jurisdiction in any proceedings brought under the Acts listed.</p> <p>To carry out all the enforcement powers, investigations and statutory duties of the county council under the Acts listed, and any Regulations, Orders, Rules, Directives made under them, or any Act amending, varying, extending or re-enacting the same.</p> <p>To exercise the powers and statutory duties of the council to appoint suitably qualified and competent officers including chief inspector of weights and measures, inspectors, authorised officers and authorised persons to enforce all or any part of the listed legislation.</p>	<p>Administration of Justice Act 1970; Agricultural Produce (Grading &amp; Marking) Acts 1928-1931; Agriculture Act 1970; Animal By-products (Enforcement) (England) Regulations 2013; Animal Feed (Hygiene, Sampling, etc. &amp; Enforcement) (England) Regulations 2015; Animal Health &amp; Welfare Act 1984; Animal Health Act 1981; Animal Welfare Act 2006; Animals &amp; Animal Products (Examination for Residues &amp; Maximum Residue Limits)(England &amp; Scotland) Regulations 2015; Anti-Social Behaviour Act 2003 – Section 54; Apprenticeships, Skills, Children &amp; Learning Act 2009; Avian Influenza (Preventative Measures) (England) Regulations 2006; Beef &amp; Veal Labelling Regulations 2010; Biocidal Products &amp; Chemicals (Appointment of Authorities &amp; Enforcement) Regulations 2013); Business Protection from Misleading Marketing Regulations 2008; Cancer Act 1939; Cattle Identification Regulations 2007; Children &amp; Families Act 2014; Children &amp; Young Persons Act 1933; Children &amp; Young Persons (Protection from Tobacco) Act 1991; Climate Change Act 2008; Clean Air Act 1993-Pt IV; Companies Act 2006; Consumer Credit Act 1974; Consumer Protection Act 1987; Consumer Protection from Unfair Trading Regulations 2008; Consumer Rights Act 2015; Copyright, Designs &amp; Patents Act 1998; Counter Terrorism Act 2008; Criminal Justice Act 1988 - Part IX; Dangerous Dogs Act 1991; Dogs Act 1906; EC Fertilisers (England &amp; Wales) Regulations 2006; Education Reform Act 1988-Part IV; Energy Act 1976 &amp; 2011 (Part 1); Enterprise Act 2002; Environmental Protection Act 1990; Estate Agents Act 1979; European Communities Act 1972; Explosives Act 1875; Fair Trading Act 1973; Fireworks Act 2003; Food and Environment Protection Act 1985;</p>	Executive or non-executive depending on the context



<b>STRATEGIC DIRECTOR FOR COMMUNITIES or his/her nominee (cont'd)</b>			
<b>Trading Standards (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
4.	(cont'd)	Food for Specific Groups (Information & Compositional Requirements)(England) Regulations 2016; Food Safety Act 1990; Food Safety & Hygiene (England) Regulations 2013; Forgery & Counterfeiting Act 1981; Fraud Act 2006; Genetically Modified Organisms (Traceability & Labelling) (England) Regulations 2004; Hallmarking Act 1973; Health & Safety at Work etc. Act 1974; Horse Passport Regulations 2009; Intellectual Property Act 2014; Intoxicating Substances (Supply) Act 1985; Licensing Act 2003; Malicious Communication Act 1988; Medicines Act 1968; Motor Cycle Noise Act 1987; Official Controls (Animals, Feed & Food) (England) Regulations 2006; Official Feed & Food Controls (England) Regulations 2009; Olympic Symbol etc (Protection) Act 1995; Organic Products Regulations 2009; Osteopaths Act 1993; Pesticides (Maximum Residue Levels) (England & Wales) Regulations 2008; Performing Animals (Regulation) Act 1925; Petroleum (Consolidation) Regulations 2014; Poisons Act 1972; Prices Act 1974; Products of Animal Origin (Disease Control) (England) Regulations 2008; Protection from Harassment Act 1997; Protection of Animals Act 1911; Protection of Animals (Amendment) Act 1954; Psychoactive Substances Act 2016; Public Health Act 1961; Registered Designs Act 1949; Regulatory Enforcement Sanctions Act 2008; Road Traffic Act 1988; Road Traffic Offenders Act 1988; Road Traffic (Foreign Vehicles) Act 1972; Theft Act 1968; Theft Act 1978; Tobacco Advertising and Promotions Act 2002; Tobacco and Related Products Regulations 2016; Trade Descriptions Act 1968; Trade in Animals & Related Products Regulations 2011;	Executive or non-executive depending on the context

<b>STRATEGIC DIRECTOR FOR COMMUNITIES or his/her nominee (cont'd)</b>			
<b>Trading Standards (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
4.	(cont'd)	Trade Marks Act 1994; Transmissible Spongiform Encephalopathies (England) Regulations 2010; Transport Act 1968; Unsolicited Goods & Services Act 1971; Unsolicited Goods & Services (Amendment) Act 1975; Video Recordings Act 1984; Vehicle (Crime) Act 2001; Weights & Measures Act 1985	Executive or non-executive depending on the context
5.	To consult with a person against whom an enforcement order might be made and to accept an undertaking in respect of any actual or prospective infringement of specified consumer legislation.  To co-operate with a community enforcer and to exercise the powers of the council as a general enforcer and CPC enforcer under the Enterprise Act 2002.	Enterprise Act 2002	Executive
<b>STRATEGIC DIRECTOR FOR COMMUNITIES or his/her nominee (cont'd)</b>			
<b>Trading Standards (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
	To carry out all the enforcement powers, investigations and statutory duties of the council under the Enterprise Act 2002 including to institute proceedings in the courts under that Act.		
The following powers and duties are delegated subject to the following provisos: (a) legal proceedings may only be commenced with the consent of the strategic director for resources or his/her nominee; and (b) the strategic director for resources or his/her nominee is the authorised officer for the purposes of completing the documentation and statutory procedures required to give effect to decisions made in exercise of functions marked *.			
<b>Rights of Way, Traffic Regulation, Planning and Environment</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	To request the traffic commissioner to impose traffic regulation conditions.	Transport Act 2000	Executive
2.	Responsibility for providing school crossing patrols.	Part III, Road Traffic Regulation Act 1984	Executive
3.	Respond on behalf of the council in relation to any proposal for development, highway works or traffic management made or to be determined by another body.	Any legislation relevant to the responsibilities of the strategic director	Executive
4.*	Exercise the functions of the council under the private street works code and the advance payments code.	Part XI, Highways Act 1980	Executive
5.*	To propose the making or orders relating to road traffic, parking places and speed limits and, in the event of no objections being received, to make the orders.	Part I, II, IV and VI, Road Traffic Regulation Act 1984	Executive
6.*	Stopping up or diversion of highways by magistrates.	Section 116, Highways Act 1980	Executive
7.*	To make Definitive Map Modification Orders, where evidence demonstrates the existence of a public right of way and to confirm any unopposed Definitive Map Modification Order.	Wildlife and Countryside Act 1981	Non-executive
8.*	To make order in relation to cycle tracks and to confirm such orders if they are unopposed.	Section 3, Cycle Tracks Act 1984	Non-executive

<b>STRATEGIC DIRECTOR FOR COMMUNITIES or his/her nominee (cont'd)</b>			
<b>Rights of Way, Traffic Regulation, Planning and Environment (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
9.*	To make orders for the stopping up of public rights of way and, in the event of the orders being unopposed, to confirm them.	Sections 118, 118A and 118B, Highways Act 1980	Non-executive
10.*	To make orders for the diversion of public rights of way and, in the event of the orders being unopposed, to confirm them.	Sections 119, 119A and 119B, Highways Act 1980	Non-executive
11.*	To make orders for the compulsory creation of footpaths and bridleway and, in the event of the orders being unopposed, to confirm them.	Section 26, Highways Act 1980	Non-executive
12.*	To exercise the functions of the council in relation to new roads and street works.	New Road and Street Works Act 1991	Executive
<p><b>General</b> – the delegated powers to grant planning permissions and/or determine planning applications include power to:</p> <p>(a) impose any condition, limitation or other restriction on any permission, approval or consent given in the exercise of those functions and to determine any other terms to which any such permission, approval or consent is subject; and</p> <p>(b) do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of those functions;</p> <p><b>and are subject to the proviso</b> that an application for planning permission shall be referred to the regulatory committee for determination if the strategic director (or their nominee) considers that any of the following circumstances apply:</p> <p>(i) the application is a departure from the development plan which would require referral to the Secretary of State before being granted;</p> <p>(ii) the application constitutes a major development as defined in Article 3 of the Town and Country Planning (Development Management Procedure)(England) Order 20102 and is accompanied by an environmental statement;</p> <p>(iii) the application is subject to four or more written objections on material planning grounds received during the statutory consultation period (in the case of a petition each signature shall count as one objection);</p> <p>(iv) the application is subject to an objection from a statutory consultee identified in Schedule 5 of the Town and Country Planning (Development Management Procedure)(England) Order 20103;</p> <p>(v) the application is one which should be refused;</p> <p>(vi) the strategic director's responsibilities include any aspect of the management of the land or buildings to which the application relates;</p> <p>(vii) the application is required to be referred because notice of an interest has been given by a county councillor or by a relevant officer in accordance with the council's Planning Code of Practice;</p> <p>(viii) the application is subject to a request that it be referred to the regulatory committee made by a county councillor within whose constituency the application site or part of it is situated.</p>			
13.*	Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town & Country Planning Act 1990 and the Town & Country Planning General Regulations 1992 (SI 1992/1492).	Non-executive
14.	To respond to consultations from district councils under the listed provisions.	Article 10, Town & Country Planning (General Development Procedure) Order 1995; Paragraph 7 of Schedule 1, Town & Country Planning Act 1990	Executive
15.	Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town & Country Planning Act 1990 (c8)	Non-executive
16.	Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town & Country Planning Act 1990	Non-executive
17.	Power to grant planning permission for development already carried out.	Section 73A of the Town & Country Planning Act 1990	Non-executive

<b>STRATEGIC DIRECTOR FOR COMMUNITIES or his/her nominee (cont'd)</b>			
<b>Rights of Way, Traffic Regulation, Planning and Environment (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
18.	Power to decline to determine application for planning permission.	Section 70A of the Town & Country Planning Act 1990	Non-executive
19.	To administer applications under any planning legislation and to take any steps (including any steps in relation to environmental impact assessment) preparatory or incidental to the determination of any such application.	Part III, Town & Country Planning Act 1990; Town & Country Planning (General Development Procedure) Order 1995; Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999; Town & Country Planning General Regulations 1992; Town & Country Planning (Applications) Regulations 1988; Town & Country Planning (General Permitted Development) Order 1995 and any other relevant enactment	Non-executive
20.	Responsibility for the administration of the council's powers relating to the management and disposal of waste.	Sections 45 to 63A, Environmental Protection Act 1990; Section 32, Waste Emissions Act 2003	Executive
21.	To make applications: (i) for planning permission for works for the alteration or extension of listed buildings; (ii) for listed building consent to the demolition, alteration or extension of listed buildings; and (iii) for the demolition of unlisted buildings in conservation areas.	Section 9E, Local Government Act 2000; Section 82, Planning (Listed Buildings & Conservation Areas) Act 1990	Executive
22.	Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town & Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town & Country Planning (General Development Procedure) Order 1995 (SI1995/419) and directions made thereunder	Non-executive
23.	Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town & Country Planning Act 1990 and the Town & Country Planning General Regulations 1992 (SI 1992/1492)	Non-executive
24.	Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning & Compensation Act 1991 (c 34); Paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c 25); and Paragraph 6(5) of Schedule 14 to that Act	Non-executive
25.	To grant extensions of time for making good the surface of footpath and bridleways.	Section 134, Highways Act 1980	Executive
26.	To submit to other public path order making authorities the council's view in respect of proposed public path orders within or adjacent to Warwickshire.	Part III, Highways Act 1980	Executive
27.*	To enter public path creation agreements.	Section 25, Highways Act 1980	Non-executive
28.	To exercise any powers of enforcement in respect of any unlawful interference with the highway or its users, including powers to remove or remediate interference or to carry out works in default of compliance with any notice or other requirement.	Part IX, Highways Act 1980 and any other enactment or common law provision conferring such powers	Executive or non-executive depending on the context

<b>STRATEGIC DIRECTOR FOR COMMUNITIES or his/her nominee (cont'd)</b>			
<b>Rights of Way, Traffic Regulation, Planning and Environment (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
29.	To exercise or authorise any person to exercise any powers to enter land or premises, to require the provision of any information and to carry out any inspection, survey, sampling, testing, recording or other investigation in connection with any of his/her responsibilities.	Highways Act 1980; Town & Country Planning Act 1990; New Roads & Street Works Act 1990; Countryside & Rights of Way Act 2000 and any other enactment conferring relevant powers	Executive or non-executive depending on the context
30.	Together with the strategic director for resources to authorise the trading of landfill allowances pursuant to the Landfill Allowance Trading Scheme.		
31.	To exercise the functions of the council in relation to the following matters (including fixing and recovering charges):		Executive or non-executive depending on the context
	(a) providing and permitting services, amenities, recreation and refreshment facilities in the highway and related powers;	Part VIIA, Highways Act 1980	Executive
	(b) flagpoles, pylons and other structures on the highway;	Section 144, Highways Act 1980	Non-executive
*	(c) dropped kerbs;	Section 184, Highways Act 1980	Non-executive
	(d) skips;	Section 139, Highways Act 1980	Non-executive
*	(e) the planting of trees, shrubs, plants or grass;	Section 142, Highways Act 1980	Non-executive
	(f) scaffolding;	Section 169, Highways Act 1980	Non-executive
	(g) building materials and making of excavations in streets;	Section 171, Highways Act 1980	Executive
	(h) hoardings during building works;	Section 172, Highways Act 1980	Executive
*	(i) the construction, alteration or use of buildings over highways;	Section 177, Highways Act 1980	Non-executive
*	(j) installation of apparatus;	Section 50, New Roads & Street Works Act 1991	Non-executive
*	(k) the placing of rails, beams, pipes, cables, wires or similar apparatus over, along or across the highway;	Section 178, Highways Act 1980	Non-executive
*	(l) the construction of cellars under the street, etc.;	Section 179, Highways Act 1980	Non-executive
*	(m) the control of openings into cellars or vaults under streets and pavements, lights and ventilators.	Section 180, Highways Act 1980	Executive

<b>STRATEGIC DIRECTOR FOR COMMUNITIES or his/her nominee (cont'd)</b>			
<b>Rights of Way, Traffic Regulation, Planning and Environment (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
32*	<p>To propose the making of orders relating to minor road traffic orders provided that the local member does not object.</p> <p>A "minor traffic order" is one falling into one of the following categories:</p> <p>(i) no waiting at any time restrictions at junctions including waiting restrictions required for the safe and efficient operation of traffic signals;</p> <p>(ii) waiting restrictions on one or both sides of a length of road extending no greater than 50 metres on a principal road or 100 metres on a non-principal road, when measured along the centreline of the road;</p> <p>(iii) extension to a speed limit order on a length of road extending no greater than 50 metres on a principal road or 100 metres on a non-principal road, when measured along the centreline of the road; and</p> <p>(iv) any other traffic order designated by the strategic director for resources as such following consultation with the relevant overview and scrutiny committee.</p> <p>The maximum lengths of roads which come within the definition of "minor traffic order" apply to each separate proposal and not the total length of road covered by an order which may contain a number of proposals.</p>	Parts I and II, Road Traffic Regulation Act 1984	The definition of a "minor traffic order" will apply to new traffic orders and to amendments to existing traffic orders, including consolidation orders
33.	To construct, alter or remove a cycle track provided that the local member does not object.	Section 65, Highways Act 1980	Executive
34.	Agree modifications to the Memorandum of Participation in the Parking and Traffic Regulations Outside London Adjudication Joint Committee if, following consultation with the portfolio holder, he/she is satisfied that doing so has not significant policy or budget implications.	Part 6, Traffic Management Act 2004 ("the 2004 Act"); Sections 101(5), 102(1) (b) and 101(5B), The Act of 1972; Section 20, Local Government Act 2000; Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000; Local Authorities (Goods & Services) Act 1970	Executive
35.*	To propose the making, amendment and revocation of gating orders and, in the event of no objections or representations against the proposal being received, to make the orders.	Sections 129A to 129G, Highways Act 1980	Executive
36.*	To exercise functions in relation to the transfer of roadway and footway lighting systems from lighting authorities.	Section 270, Highways Act 1980	Executive
37.	To give consent to the placing of waste collection receptacles on a highway.	Section 46(5), Environmental Protection Act 1990	Executive
38.	In consultation with the relevant cabinet member, to determine and publish local requirements as to the particulars and evidence accompanying planning applications.	Section 62(3), Town & Country Planning Act 1990; Articles 5(3) and 20(31), Town & Country Planning (General Development Procedure) Order 1995	Executive



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

**PART B - STRATEGIC DIRECTORS: DELEGATIONS TO HEADS OF SERVICE****10.7 Strategic Director for Resources - Delegations**

All heads of service within the resources group or their respective nominees in respect of the services for which they are responsible shall have the following powers and duties:

The strategic director may direct any person prior to the exercise of any delegated power in relation to a particular matter:

- o that the strategic director is to be consulted before a decision is made;
- o that the strategic director requires the matter to be referred to a member body; and
- o that the strategic director intends to take the decision.

**All Heads of Service**

<b>ALL HEADS OF SERVICE or their nominees</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	Taking and implementing decisions on matters relating to day to day administration of services or functions for which they are responsible.	Sections 101 and 111, The Act of 1972; Section 9E, Local Government Act 2000	Executive or non-executive depending on the context
2.	Taking and implementing decisions to maintain the operation and effectiveness of services within their responsibility.	Sections 101 and 111, The Act of 1972; Section 9E, Local Government Act 2000	Executive or non-executive depending on the context
3.	Taking any necessary decision incidental to policy decisions that have been taken by elected members.	Sections 101 and 111, The Act of 1972; Section 9E, Local Government Act 2000	Executive or non-executive depending on the context
4.	Authority for all necessary tenders to be obtained and contracts to be completed in relation to the implementation of the revenue budget and capital programme subject to compliance with standing orders.	Section 111, The Act of 1972	Executive
5.	The head of service originating the report or, in the case of a joint report, the first named head of service: (i) to decide what are the background papers used or referred to in the preparation of the report; (ii) to list the background papers on the report; and (iii) to make a copy of the background papers available for public inspection.	Sections 100 D(1)(a) and 100 D(5)(a), The Act of 1972; Regulations 6 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 as amended; Local Government (Access to Information) Variation Order 2006	Non-Executive - reports to council and its committees  Executive - reports to cabinet, its committees and officer key decisions
6.	The head of service proposing to take a report to a member body in respect of a key decision or a head of service proposing to take a key decision is responsible for giving prior notice of that decision to the head of law and governance in accordance with the Access to Information Rules.	Regulations 14 to 16, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Executive – reports to cabinet and its committees or other member bodies making key executive decisions
7.	The head of service prior to taking a key decision is responsible for making any reports received available for public inspection unless it would disclose confidential or exempt information as defined in the Access to Information Rules.	Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Executive



<b>ALL HEADS OF SERVICE or their nominees (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
8.	The head of service immediately after making a key decision is responsible for producing a written statement setting out the decision, the reasons for the decision, any options considered or rejected, any reports taken into account, any interest declared by a member consulted in respect of the decision and any dispensation granted by the standards committee and sending the written statement and any reports taken into account to the head of law and governance who will make the written statement and any accompanying reports available for public inspection unless it would disclose confidential or exempt information.	Regulation 4, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000  Regulations 5 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Executive
9.	No head of service or any person nominated by them shall make a key decision which does not comply with the Access to Information Rules.	Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 as amended	Executive
10.	Reports by heads of service referring to the finances of the council shall not be circulated to members without consultation with the head of finance.	Section 151, The Act of 1972	Executive or non-executive depending on the context
11.	Responsibility for ensuring that financial regulations and financial instructions are observed throughout the departments under their control.	Section 151, The Act of 1972	Non-executive
12.	Responsibility to notify the head of finance of all officers designated to certify and authorise invoices for payment together with specimen signatures.	Section 151, The Act of 1972	Non-executive
13.	Responsibility for ensuring accurate and prompt input of payments data to the creditors' payments system.	Sections 111 and 151, The Act of 1972	Executive or non-executive depending on the context
14.	Responsibility to collect all income as detailed in the appropriate revenue budgets.	Sections 111 and 151, The Act of 1972	Executive
15.	With the approval of the head of finance, and after consultation with the chair of cabinet, to agree to the council incurring revenue expenditure for which there is no provision in any vote in the annual or supplementary estimates approved by the council or to agree reduced income, where it is not possible to obtain the necessary approval in accordance with the normal committee procedures because of urgency, provided: (i) the expenditure can be met from within the earmarked reserves of the department concerned; and (ii) any requirements of the Access to Information Rules are met.  Any proposal to spend beyond the departments earmarked reserves shall be referred to council.	Sections 101, 111 and 151, The Act of 1972; Section 9E, Local Government Act 2000; Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000; Local Authorities (Functions and Responsibilities) (England) Regulations 2000	Executive or non-executive depending on the context
16.	Responsibility to render promptly official invoices for sums due to the council and to notify the head of finance of appropriate details.	Section 151, The Act of 1972	Executive or non-executive depending on the context

<b>ALL HEADS OF SERVICE or their nominees (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
17.	Responsibility to comply with contract standing orders and ensure every contract and variation to a contract is executed in writing and, in relation to capital contracts where the variation involves a material alteration or extension of the scope of the contract, whether or not the cost can be met within the contract to obtain the prior agreement of the head of finance.	Sections 111, 135 and 151, The Act of 1972 and any other relevant enactment	Executive or non-executive depending on the context
18.	To write off as irrecoverable sums due to the council up to the limit of £500 or such revised limit which the chief executive, after consultation with the head of finance, shall agree.	Sections 111 and 151, The Act of 1972; Section 9E, Local Government Act 2000	Executive
19.	In accordance with the council's grading structure and their policy guidelines as set out in their manager's guide, to determine the appointment, promotion and salary levels of the council's employees and other conditions of service matters.	Section 112, The Act of 1972	Non-executive
20.	Each head of service shall be responsible for ensuring that his/her list of delegated powers is kept up to date and appropriate authority obtained from the relevant member body to any changes.	Sections 100G and 101, The Act of 1972; Section 9E, Local Government Act 2000	Executive or non-executive depending on the context
21.	To approve requests for ex gratia payments to complainants up to £1000 in relation to upheld complaints where a financial remedy is appropriate.	Sections 111 and 112, The Act of 1972; Section 92, Local Government Act 2000 or other enactment	Non-executive

## 10.8 Specific Delegations to Particular Heads of Service

The following heads of service within the resources group or their respective nominees shall be authorised to act on behalf of the strategic director for resources in relation to the following powers and duties:

The strategic director may direct any person prior to the exercise of any delegated power in relation to a particular matter:

- o that the strategic director is to be consulted before a decision is made;
- o that the strategic director requires the matter to be referred to a member body; and
- o that the strategic director intends to take the decision.

### Head of Law and Governance

<b>HEAD OF LAW AND GOVERNANCE or his/her nominee</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	From 4 February 2017, to act as the designated monitoring officer of the council. .	Section 5, Local Government & Housing Act 1989	Non-executive
2.	To act as the proper officer for the purposes of the Access to Information Rules, except those functions expressly delegated to other strategic directors or chief officers.	Section 100, The Act of 1972; Sections 22 and 105, Local Government Act 2000; Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000; Local Government (Access to Information) Variation Order 2006	Executive or non-executive depending on the context
3.	To decide which reports to be considered by a committee are not likely to be considered in public, to mark them "not for publication" and to identify the category of exempt or confidential information they contain.	(a) Section 100 B(2), The Act of 1972; Local Government (Access to Information) Variation Order 2006 (b) Regulation 11, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	(a) Non-executive (b) Executive
4.	To make the written statement and any accompanying reports relating to officer key decisions available for public inspection unless it would disclose confidential or exempt information.	Regulations 5 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Executive
5.	To supply to the press on request, and at his/her discretion, copies of documents which are supplied to committees, but which are not included in the report(s) with the agenda.	(a) Section 100 B(2), The Act of 1972 (b) Regulations 11 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	(a) Non-executive (b) Executive
6.	To make a written summary of the proceedings at a meeting when it is not open to the public in such a way as to form a reasonably fair and coherent record of proceedings without disclosing confidential or exempt information.	(a) Section 100 C(2), The Act of 1972 (b) Regulations 3 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	(a) Non-executive (b) Executive
7.	To decide which documents, bearing in mind confidential or exempt information requirements in the possession of the cabinet or any committee relating to business to be transacted at a meeting, shall be open to inspection by members of the council who may be entitled to see them under their common law rights or other rights; any dispute about their rights will be referred to the appropriate member body.	(a) Section 100 F(2), The Act of 1972 (b) Regulations 17, 18 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	(a) Non-executive (b) Executive
8.	To decide which documents, bearing in mind confidential or exempt information requirements in the possession of an officer relating to key decisions, shall be open to inspection by members of the council who may be entitled to see them; any dispute about their rights will be referred to the appropriate member body.	Regulations 17, 18 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Executive

<b>HEAD OF LAW AND GOVERNANCE or his/her nominee (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
9.	To receive and record notices of financial interest from members.	Section 96, The Act of 1972	Non-executive
10.	To receive on deposit lists of protected buildings.	Section 2, Planning (Listed Buildings and Conservation Areas) Act 1990	Executive
11.	To write off as irrecoverable sums due to the council up to a limit of £2000, to revise that limit each year to the nearest £25 in line with changes in the applicable retail price index.	Sections 111 and 151, The Act of 1972	Executive
12.	To institute, prosecute or to defend, compromise or to appear in any legal proceedings.	Section 222, The Act of 1972 and any other enactment conferring powers on the council	Executive or non-executive depending on the context
13.	To complete and authenticate any document and take any other step in order to give effect to a decision of the council (whether made by a member body or an officer).		Executive or non-executive depending on the context
14.	To exercise the powers of the council under the listed provisions in addition to instigating proceedings for possession of land in the county court, such powers to be exercised following a request from the appropriate strategic director.	Sections 77, 78 and 79, Criminal Justice & Public Order Act 1994 as amended	Executive
15.	To obtain information as to interests in land and the particulars of persons interested in land.	Section 330, Town & Country Planning Act 1990; Section 16, Local Government (Miscellaneous Provisions) Act 1976	Non-executive
16.	To sign, issue and to serve notices on behalf of the council in relation to highways and public rights of way.	Highways Act 1980; Rights of Way Act 1990; Wildlife and Countryside Act 1981; Road Traffic Regulation Act 1984; Cycle Tracks Act 1984; New Roads and Street Works Act 1991; Clean Neighbourhood & Environment Act 2005; and any other enactment conferring functions on the council	Executive or non-executive depending on the context
17.	To enter agreements in relation to the execution of highway works or improvements and agreements regulating development or use of land.	Sections 184 and 278, Highways Act 1980; Section 106, Town and Country Planning Act 1990	Non-executive
18.	To enter into agreement for the future maintenance of roads provided by developers.	Section 38, Highways Act 1980	Non-executive
19.	To determine applications for certificates of lawful use or development or proposed use or development.	Sections 191 and 192, Town & Country Planning Act 1990	Non-executive
20.	To take action by way of Planning Contravention Notices, Breach of Condition Notices, Enforcement Notices, Stop Notices and Temporary Stop Notices.	Sections 171C, 171E, 172, 187A, 187B and 183(1), Town & Country Planning Act 1990	Non-executive
21.	In consultation with the chief fire officer: (i) to exercise the council's powers of inspection and enforcement; (ii) to issue all notices and licences; and (iii) to institute legal proceedings in relation to the listed enactments.	Fire Precautions Act 1971; Safety of Sports Grounds Act 1975; Fire Safety & Safety of Places of Sport Act 1987 and any Orders, Rules, Regulations or Directives made amending, varying, extending or re-enacting the same	Non-executive
22.	To prosecute for causing nuisance or disturbance on educational premises.	Section 40, Local Government (Miscellaneous Provisions) Act 1982	Executive
23.	To appoint members as required from time to time to hear school admission and exclusion appeals and to constitute panels of 3 or 5 as required.	Part III, School Standards & Framework Act 1998	Non-executive

<b>HEAD OF LAW AND GOVERNANCE or his/her nominee (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
24.	To amend the constitution to reflect any changes made by the council, its subsidiary bodies or the leader or cabinet to ensure the constitution remains up to date.	Section 37, Local Government Act 2000	Executive or non-executive as appropriate
25.	To update the constitution to reflect changes where delegation of powers have been made under particular legislation which has been repealed / amended and substantially re-enacted / amended in new legislation.	Section 37, Local Government Act 2000	Executive or non-executive as appropriate
26.	To take any necessary steps to implement the agreed petitions scheme and operate the scheme in accordance with those arrangements, including deciding whether or not a petition meets the requirements of the scheme.	Sections 10 to 22, Local Democracy, Economic Development & Construction Act 2009	Non-executive
27.	To make any arrangement as he/she considers necessary for terrorism cover, as and when such cover is available.	Section 111, The Act of 1972; Section 2, Local Government Act 2000	Executive
28.	In relation to Pride in Camp Hill Limited: (i) to confirm to the board that the council has or will endeavour to get all necessary approvals, powers, etc., in order to comply with the terms; (ii) to notify other partners if the council becomes aware that another partner is in default; (iii) to select/ agree an independent person (expert) in the case of deadlock; and (iv) to notify the company if the council believe the company has become subject to the influence of a local authority.	Section 2, Local Government Act 2000	Executive
29.	In relation to Pride in Camp Hill Limited, jointly with the strategic director for communities: (i) to give consent to the appointment of directors other than partner directors; (ii) to agree to the WCC director not being on a committee/sub-committee of the company; (iii) to demonstrate best endeavours to obtain the necessary consents for Dev1; and (iv) to arrange for the transfer of freehold of Dev1.	Section 2, Local Government Act 2000	Executive
30.	In relation to Pride in Camp Hill Limited to agree the company changing the accounting reference date.	Section 2, Local Government Act 2000	Executive
31.	To develop and introduce a standard approach to race equality for contracts below £100,000 in value.	Section 2, Local Government Act 2000	Executive
32.	To exercise overall management control of authorisations under RIPA and to make such alterations to the designations of authorising officers as he/she sees fit.	Regulation of Investigatory Powers Act 2000	Executive
33.	Subject to any statutory restrictions, to determine fees that may be charged in respect of Freedom of Information requests.	Freedom of Information Act 2000	Executive
34.	Duty to publish information about the Local Area Agreement.	Section 113, Local Government & Public Involvement in Health Act 2007	Non-executive
35.	Responsibility for maintaining an internal audit service including visiting council establishments to conduct audits.	Section 151, The Act of 1972; Regulation 6, Accounts & Audit Regulations 2003	Non-executive
36.	Authority to make representations in response to applications made under the Gambling Act 2005 (authority is also given to the strategic director for people and chief fire officer).	Gambling Act 2005	Executive

<b>HEAD OF LAW AND GOVERNANCE or his/her nominee (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
37.	Power to register land as a town or village green where the application is made by the owner of any under section 15(8) Commons Act 2006.	Section 15(8), Commons Act 2006; Regulation 8, Commons (Registration or Town & Village Greens) (Interim Arrangements) (England) Regulations 2007	Non-executive
38.	Functions relating to the registration of common land and town or village greens.	Part I, Commons Act 2006 (c.26); The Commons Registration (England) Regulations 2014 (S.I. 2014/3038)	Non-executive
39.	Power to apply for an enforcement order against unlawful works on common land.	Section 41, Commons Act 2006	Non-executive
40.	Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	Section 45(2)(a), Commons Act 2006	Non-executive
41.	Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.	Section 45(2)(b), Commons Act 2006	Non-executive
42.	To exercise the powers of the council in relation to the provision of advice, training and support for school governors.	Sections 19(3) and 22, Education Act 2002 and any associated legislation	Executive
43.	To exercise the powers of the council in relation to the governance of schools jointly with the strategic director for people.	Education Act 1962; Education Act 1980; Education Act 1996; Education Act 1997; Education Act 2002 Education Reform Act 1988; Education (Fees & Awards) Act 1983; Employment & Training Act 1973; Further Education Act 1985; School Inspections Act 1996; School Standards & Framework Act 1998;	Executive or non-executive depending on the context



**Head of Customer Service**

<b>HEAD OF CUSTOMER SERVICE or his/her nominee</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	To exercise the functions of the council relating to the organisation of the registration services and to act as the deputy proper officer for those services.	Registration Services Act 1953 as amended	Executive
<b>Libraries and Information Service</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	To review the fixed fee, the per minute on-line charge and the printing charge in respect of commercial searches via the on-line information services operated through the council's libraries.	Public Libraries & Museums Act 1964; Section 150, Local Government & Housing Act 1989; The Library Charges (England & Wales) Regulations 1991	Executive
2.	To agree any change in the charging structure for the sound recordings service operated through the council's libraries.	Public Libraries & Museums Act 1964; Section 150, Local Government & Housing Act 1989; The Library Charges (England & Wales) Regulations 1991	Executive
3.	To review and to vary, where appropriate, the level of fines for the late return of books, fees for requests for books and charges for photocopies in order to achieve income targets established for the council's libraries.	Public Libraries & Museums Act 1964; Section 150, Local Government & Housing Act 1989; The Library Charges (England & Wales) Regulations 1991	Executive
4.	To determine the scale of charges for the fax service available to the public at the Rugby and Warwick libraries in order to maintain it on a self-financing basis.	Public Libraries & Museums Act 1964; Section 150, Local Government & Housing Act 1989; The Library Charges (England & Wales) Regulations 1991	Executive
5.	To make representations on behalf of the library services relating to the formulation of local planning policies including, if necessary, attendance at inquiries and other proceedings.	Section 2, Local Government Act 2000	Executive

**Head of Physical Assets**

<b>HEAD OF PHYSICAL ASSETS or his/her nominee</b>			
<b>Property Management</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	To proceed with all building projects without reference to cabinet for approval of scheme design plans.	Section 111, The Act of 1972; Section 9E, Local Government Act 2000	Executive
2.	To appoint external professional consultants as required to deal with building development and property matters, appointments to be reported to the appropriate committee for information.	Section 1, Local Government (Contracts) Act 1997 or any other enactments conferring such powers	Executive
3.	To authorise all sales at market value, purchases (except compulsory purchase) and appropriations of council land for different purposes where the consideration is no greater than £100,000.	Sections 120, 122 and 123, The Act of 1972 and any applicable statutory consents	Executive
4.	To grant at market value and take up leases, easements and licences over council property or for the benefit of the council where the annual rent or fee consideration is no greater than £25,000.	Sections 120, 122 and 123, The Act of 1972 and any applicable statutory consents	Executive
5.	To negotiate and authorise revised rentals or fees for existing leases, easements or licences at review dates in accordance with existing lease, easement or licence provisions.	Sections 111 and 123, The Act of 1972 and any applicable statutory consents	Executive
6.	To seek development agreements, where necessary, in connection with the disposal of land on the council's industrial estates.	Section 123, The Act of 1972; Local Authorities (Land) Act 1963 and any applicable statutory consents	Executive
7.	To make planning applications on behalf of the council.	Section 9E, Local Government Act 2000	Executive
8.	To make applications on behalf of the council: (i) for planning permission for works for the alteration or extension of listed buildings; (ii) for listed building consent to the demolition, alteration or extension of listed buildings; and (iii) for the demolition of unlisted buildings in conservation areas.	Section 9E, Local Government Act 2000; Regulation 7(1)(a), Town & Country Planning General Regulations 1992; Regulation 3, Planning (Listed Buildings & Conservation Areas) Regulations 1990	Executive
<b>Rural Estates</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	To sign agricultural tenancy agreements in a form approved by the head of law and governance in respect of the smallholdings estate on behalf of the council.	Section 123, The Act of 1972 and any applicable statutory consents	Executive
2.	To appoint tenants to smallholdings subject to prior consultation with the panel of members established for this purpose.	Section 123, The Act of 1972 and any applicable statutory consents	Executive
3.	To authorise, within the council's smallholdings or country parks estate, all sales at market value, purchases (except compulsory purchase) and appropriations of council land for difference purposes where the consideration is no greater than £100,000.	Sections 120, 122 and 123, The Act of 1972 and any applicable statutory consents	Executive
4.	To grant at market value and take up leases, easements and licences over the council's smallholdings or country parks estate or for the benefit of the smallholdings or country parks estate where the annual rent or fee consideration is no greater than £25,000.	Sections 120, 122 and 123, The Act of 1972 and any applicable statutory consents	Executive
5.	To negotiate and authorise in connection with the council's smallholdings or country parks estate revised rentals or fees for existing leases, easements or licences at review dates in accordance with existing lease, easement or licence provisions.	Sections 120, 122 and 123, The Act of 1972 and any applicable statutory consents	Executive



<b>HEAD OF PHYSICAL ASSETS or his/her nominee (cont'd)</b>			
<b>Rural Estates (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
6.	To grant at market value and take up leases, easements and licences over the council's business centre properties where the annual rent or fee consideration is no greater than £25,000.	Sections 120, 122 and 123, The Act of 1972 and any applicable statutory consents	Executive
7.	To negotiate and authorise in connection with the council's business centre properties revised rentals or fees for existing leases, easements or licences at review dates in accordance with existing lease, easement or licence provisions.	Sections 120, 122 and 123, The Act of 1972 and any applicable statutory consents	Executive

## Head of Finance

<b>HEAD OF FINANCE or his/her nominee</b>			
<b>Financial Management</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	Responsibility for reviewing the financial regulations from time to time and recommending to the audit and standards committee any amendments which he/she considers desirable.	Section 151, The Act of 1972	Non-executive
2.	Responsibility for updating monetary sums included in the financial regulations from time to time by reference to the appropriate price indices.	Section 151, The Act of 1972	Non-executive
3.	Responsibility for the proper administration of the council's financial affairs and ensuring that safe and efficient arrangements are made for the receipt and payment of money.	Section 151, The Act of 1972	Non-executive
4.	Responsibility for the overall supervision of any systems that involve the receipt and payment of money.	Section 151, The Act of 1972	Non-executive
5.	Advising chief officers as necessary on financial arrangements.	Section 151, The Act of 1972	Non-executive
6.	To have access to all documents and books concerned with finance.	Section 151, The Act of 1972	Non-executive
7.	Responsibility, in consultation with the monitoring officer and the chief officer concerned, for carrying out or supervising investigations into any suspected financial irregularities.	Section 151, The Act of 1972	Non-executive
8.	Responsibility for the operation of the council's bank accounts in accordance with the banking agreement approved by the council and their bankers.	Section 151, The Act of 1972	Executive
9.	Responsibility for ordering and controlling the issue of council cheques including directions for their signing.	Section 151, The Act of 1972	Non-executive
10.	To make payments out of the superannuation fund on the certification of or on behalf of the appropriate chief officer that the expenditure is authorised.	Superannuation Act 1972 and any enactment amending the same and any orders regulations	Non-executive
11.	To make all payments out of the county fund on the certification of or on behalf of the appropriate chief officer that the expenditure is authorised.	Section 111, The Act of 1972	Executive
12.	Responsibility, in consultation with the chief officers concerned, for making imprest advances and deciding the conditions under which such accounts are to be operated.	Section 151, The Act of 1972	Non-executive

<b>HEAD OF FINANCE or his/her nominee (cont'd)</b>			
<b>Financial Management (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
13.	Responsibility for amending estimates to take account of changes in pay and prices and agreeing cash budgets, where appropriate, to allow for expected price changes, to the extent that any increases can be met from the council's reserves under the control of the cabinet.	Section 151, The Act of 1972	Executive
14.	Responsibility for raising loans and arranging such other financing facilities, e.g. leasing, as may be required, subject to the general director of the cabinet.	Section 151, The Act of 1972 and any other enactment or provision conferring such powers on the council	Non-executive
15.	Responsibility for the purchase and sale of investments of the council.	The Act of 1972 and any other enactment or provision conferring such powers on the council	Executive
16.	Responsibility for the purchase and sale of investments of the superannuation fund.	Superannuation Act 1972	Non-executive
17.	Responsibility for the temporary investment or utilisation of revenue balances.	Sections 111 and 151, The Act of 1972	Executive
18.	Responsibility for supervising the collection of money and for giving detailed instructions.	Section 151, The Act of 1972	Non-executive
19.	Responsibility for agreeing the form of income records kept by each department.	Section 151, The Act of 1972	Non-executive
20.	Responsibility for the ordering, control and issue of all official receipt books, tickets and other similar documents.	Section 151, The Act of 1972	Non-executive
21.	Responsibility for the examination of accounts passed for payment and payment of those accounts.	Section 151, The Act of 1972	Non-executive
22.	Responsibility for payment of salaries, wages, superannuation, compensation and other emoluments.	Section 151, The Act of 1972	Non-executive
23.	Responsibility for payments in respect of all liabilities falling to be discharged by the council which are not otherwise detailed in financial regulations.	Section 151, The Act of 1972	Executive or non-executive depending on the context
24.	Responsibility for keeping a contract ledger in respect of all contracts showing the state of account between the council and each contractor.	Section 151, The Act of 1972	Non-executive
25.	Responsibility for prescribing the items to be included in inventories.	Section 151, The Act of 1972	Non-executive
26.	To veto the inclusion of contractors in a contractors' list for contracts exceeding £100,000.	Section 151, The Act of 1972	Non-executive
27.	Requirement to review at least every two years, and to revise if necessary, the figures included in contract standing order having regard to changes in the appropriate index since the last review.	Section 151, The Act of 1972	Non-executive
28.	To dissolve the special reserve funds for the maintenance of buildings, library books, school meals and miscellaneous matters, to reduce, if necessary, the road maintenance reserve and to transfer the balances to the county fund to maximise the financial benefit of the council.	Section 41, Local Government & Housing Act 1989	Executive
29.	To declare the rate of interest chargeable by the authority on loans for housing and other purposes.	Section 438, Housing Act 1985	Executive
30.	Responsibility for accepting individuals employed by admitted bodies into the Local Government Superannuation Scheme.	Superannuation Act 1972	Non-executive

<b>HEAD OF FINANCE or his/her nominee (cont'd)</b>			
<b>Financial Management (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
31.	Together with the chief executive, to review members' quarterly postage and stationery allowances annually in line with changes in the retail price index and to review the initial members' allowance after each quadrennial election on the same basis.	Sections 173 to 178, The Act of 1972; Section 18, Local Government & Housing Act 1989	Non-executive
32.	To take appropriate action annually to maximise the financial benefit to the council when the accounts for the year in question are finalised.	Sections 111 and 151, The Act of 1972	Executive
33.	In relation to Pride in Camp Hill Limited: (i) to carry out any functions prior to adoption of the first business plan and cash flow; (ii) to agree to the company changing its accounting policies, principles or practices of the company; and (iii) to agree their annual accounts.	Section 2, Local Government Act 2000	Executive
34.	In relation to Pride in Camp Hill Limited, jointly with the strategic director for communities: (i) to receive quarterly the current cash flow, contribution account, minutes of meetings; and (ii) in the event of an early exit notice, attend a resolution meeting.	Section 2, Local Government Act 2000	Executive
35.	To exercise the powers and duties of the strategic director for resources set out in the treasury management strategy.	Section 151, The Act of 1972	Executive
36.	Together with the strategic director for communities, to authorise the trading of landfill allowances pursuant to the Landfill Allowance Trading Scheme prior to any trade.		

## 10.9 Strategic Director for Communities - Delegations

All heads of service within the communities group or their respective nominees in respect of the services for which they are responsible shall have the following powers and duties.

The strategic director may direct any person prior to the exercise of any delegated power in relation to a particular matter:

- o that the strategic director is to be consulted before a decision is made;
- o that the strategic director requires the matter to be referred to a member body; and
- o that the strategic director intends to take the decision.

### All Heads of Service

<b>ALL HEADS OF SERVICE or their nominees</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	Taking and implementing decisions on matters relating to day to day administration of services or functions for which they are responsible.	Sections 101 and 111, The Act of 1972; Section 9E, Local Government Act 2000	Executive or non-executive depending on the context
2.	Taking and implementing decisions to maintain the operation and effectiveness of services within their responsibility.	Sections 101 and 111, The Act of 1972; Section 9E, Local Government Act 2000	Executive or non-executive depending on the context
3.	Taking any necessary decision incidental to policy decisions that have been taken by elected members.	Sections 101 and 111, The Act of 1972; Section 9E, Local Government Act 2000	Executive or non-executive depending on the context
4.	Authority for all necessary tenders to be obtained and contracts to be completed in relation to the implementation of the revenue budget and capital programme subject to compliance with standing orders.	Section 111, The Act of 1972	Executive
5.	The head of service originating the report or, in the case of a joint report, the first named head of service: (i) to decide what are the background papers used or referred to in the preparation of the report; (ii) to list the background papers on the report; and (iii) to make a copy of the background papers available for public inspection.	Sections 100 D(1)(a) and 100 D(5)(a), The Act of 1972; Regulations 6 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 as amended; Local Government (Access to Information) Variation Order 2006	Non-Executive - reports to council and its committees  Executive - reports to cabinet, its committees and officer key decisions
6.	The head of service proposing to take a report to a member body in respect of a key decision or a head of service proposing to take a key decision is responsible for giving prior notice of that decision to the head of law and governance in accordance with the Access to Information Rules.	Regulations 14 to 16, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Executive – reports to cabinet and its committees or other member bodies making key executive decisions
7.	The head of service prior to taking a key decision is responsible for making any reports received available for public inspection unless it would disclose confidential or exempt information as defined in the Access to Information Rules.	Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Executive

<b>ALL HEADS OF SERVICE or their nominees (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
8.	The head of service immediately after making a key decision is responsible for producing a written statement setting out the decision, the reasons for the decision, any options considered or rejected, any reports taken into account, any interest declared by a member consulted in respect of the decision and any dispensation granted by the standards committee and sending the written statement and any reports taken into account to the head of law and governance who will make the written statement and any accompanying reports available for public inspection unless it would disclose confidential or exempt information.	Regulation 4, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000  Regulations 5 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Executive
9.	No head of service or any person nominated by them shall make a key decision which does not comply with the Access to Information Rules.	Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 as amended	Executive
10.	Reports by heads of service referring to the finances of the council shall not be circulated to members without consultation with the head of finance.	Section 151, The Act of 1972	Executive or non-executive depending on the context
11.	Responsibility for ensuring that financial regulations and financial instructions are observed throughout the departments under their control.	Section 151, The Act of 1972	Non-executive
12.	Responsibility to notify the head of finance of all officers designated to certify and authorise invoices for payment together with specimen signatures.	Section 151, The Act of 1972	Non-executive
13.	Responsibility for ensuring accurate and prompt input of payments data to the creditors' payments system.	Sections 111 and 151, The Act of 1972	Executive or non-executive depending on the context
14.	Responsibility to collect all income as detailed in the appropriate revenue budgets.	Sections 111 and 151, The Act of 1972	Executive
15.	With the approval of the head of finance, and after consultation with the chair of cabinet, to agree to the council incurring revenue expenditure for which there is no provision in any vote in the annual or supplementary estimates approved by the council or to agree reduced income, where it is not possible to obtain the necessary approval in accordance with the normal committee procedures because of urgency, provided: (i) the expenditure can be met from within the earmarked reserves of the department concerned; and (ii) any requirements of the Access to Information Rules are met.  Any proposal to spend beyond the departments earmarked reserves shall be referred to council.	Sections 101, 111 and 151, The Act of 1972; Section 9E, Local Government Act 2000; Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000; Local Authorities (Functions and Responsibilities) (England) Regulations 2000	Executive or non-executive depending on the context
16.	Responsibility to render promptly official invoices for sums due to the council and to notify the head of finance of appropriate details.	Section 151, The Act of 1972	Executive or non-executive depending on the context

<b>ALL HEADS OF SERVICE or their nominees (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
17.	Responsibility to comply with contract standing orders and ensure every contract and variation to a contract is executed in writing and, in relation to capital contracts where the variation involves a material alteration or extension of the scope of the contract, whether or not the cost can be met within the contract to obtain the prior agreement of the head of finance.	Sections 111, 135 and 151, The Act of 1972 and any other relevant enactment	Executive or non-executive depending on the context
18.	To write off as irrecoverable sums due to the council up to the limit of £500 or such revised limit which the chief executive, after consultation with the head of finance, shall agree.	Sections 111 and 151, The Act of 1972; Section 9E, Local Government Act 2000	Executive
19.	In accordance with the council's grading structure and their policy guidelines as set out in their manager's guide, to determine the appointment, promotion and salary levels of the council's employees and other conditions of service matters.	Section 112, The Act of 1972	Non-executive
20.	Each head of service shall be responsible for ensuring that his/her list of delegated powers is kept up to date and appropriate authority obtained from the relevant member body to any changes.	Sections 100G and 101, The Act of 1972; Section 9E, Local Government Act 2000	Executive or non-executive depending on the context
21.	To approve requests for ex gratia payments to complainants up to £1000 in relation to upheld complaints where a financial remedy is appropriate.	Sections 111 and 112, The Act of 1972; Section 92, Local Government Act 2000 or other enactment	Non-executive



### 10.10 Specific Delegations to Particular Heads of Service

The following heads of service within the communities group or their respective nominees shall be authorised to act on behalf of the strategic director for resources in relation to the following powers and duties.

The strategic director may direct any person prior to the exercise of any delegated power in relation to a particular matter:

- o that the strategic director is to be consulted before a decision is made;
- o that the strategic director requires the matter to be referred to a member body; and
- o that the strategic director intends to take the decision.

#### Head of Community Services

<b>HEAD OF COMMUNITY SERVICES or his/her nominee</b>			
<b>Crime and Disorder</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	Responsibility for liaising with other responsible authorities in the formulations and implementation of a strategy for the reduction of crime and disorder and for combating the misuse of drugs.	Crime and Disorder Act 1998	Executive
<b>Emergency Planning</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	To carry out the council's emergency planning functions including the assessment of risk of emergencies occurring and taking measures for preventing an emergency, dealing with its effects, giving advice or assistance to the public and taking any other action in connection with an emergency. To liaise with the West Midlands Regional Planning Board and other appropriate bodies in the development of such plans and their implementation.	Civil Contingencies Act 2004	Executive or non-executive depending on the context
<b>Heritage and Museum Services</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	To impose a reasonable charge for correspondence and searches made in response to genealogical enquiries at the Warwickshire County Record Office.	Public Libraries and Museums Act 1964; Section 150, Local Government & Housing Act 1989; The Library Charges (England & Wales) Regulations 1991	Executive
2.	To make representations on behalf of the heritage and museum services relating to the formulation of local planning policies, including if necessary attendance at inquiries and other proceedings.	Section 2, Local Government Act 2000	Executive
<b>Trading Standards</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	To issue, renew, suspend and revoke registrations and licences, on behalf of the council in relation to petroleum storage, explosive storage and sales and performing animals under the Acts listed; including any Regulations, Orders or Rules made under them.  To collect charges and fees in relation to issuing, varying and renewal of registrations and licences on behalf of the council.	Performing Animals (Regulation) Act 1925; European Communities Act 1972 – Explosives Regulations 2014; Health & Safety at Work, etc. Act 1974 – Petroleum (Consolidation) Regulations 2014; and Fireworks Act 2003	Non-executive



<b>HEAD OF COMMUNITY SERVICES or his/her nominee (cont'd)</b>			
<b>Trading Standards (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
2.	<p>To record, suspend and revoke registrations, declarations and approvals, on behalf of the county council under the Act and Regulations listed.</p> <p>To collect fees in relation to approvals and amendments to approvals, on behalf of the council.</p>	<p>European Communities Act 1972; Animal Feed (Hygiene, Sampling, etc. &amp; Enforcement) (England) Regulations 2015 Feed (Hygiene &amp; Enforcement) (England) Regulations 2005</p>	Non-executive
3.	To issue, vary, suspend and revoke any animal movement licence, permit or authorisation, on behalf of the council under the Act and Regulations listed.	Animal Health Act 1981 – Disease Control (England) Order 2003	Non-executive
4.	<p>To institute legal proceedings and to appear on behalf of the council before any Court of Summary Jurisdiction in any proceedings brought under the Acts listed.</p> <p>To carry out all the enforcement powers, investigations and statutory duties of the county council under the Acts listed, and any Regulations, Orders, Rules, Directives made under them, or any Act amending, varying, extending or re-enacting the same.</p> <p>To exercise the powers and statutory duties of the council to appoint suitably qualified and competent officers including chief inspector of weights and measures, inspectors, authorised officers and authorised persons to enforce all or any part of the listed legislation.</p>	<p>Administration of Justice Act 1970; Agricultural Produce (Grading &amp; Marking) Acts 1928-1931; Agriculture Act 1970; Animal By-products (Enforcement) (England) Regulations 2013; Animal Feed (Hygiene, Sampling, etc. and Enforcement) (England) Regulations 2015; Animal Health &amp; Welfare Act 1984; Animal Health Act 1981; Animal Welfare Act 2006; Animals &amp; Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015; Anti-Social Behaviour Act 2003 – Section 54; Apprenticeships, Skills, Children &amp; Learning Act 2009; Avian Influenza (Preventative Measures) (England) Regulations 2006; Beef and Veal Labelling Regulations 2010; Biocidal Products &amp; Chemicals (Appointment of Authorities &amp; Enforcement) Regulations 2013; Business Protection from Misleading Marketing Regulations 2008; Cancer Act 1939; Cattle Identification Regulations 2007; Children and Families Act 2014; Children &amp; Young Persons Act 1933; Children &amp; Young Persons (Protection from Tobacco) Act 1991; Climate Change Act 2008; Clean Air Act 1993-Pt IV; Companies Act 2006; Consumer Credit Act 1974; Consumer Protection Act 1987; Consumer Protection from Unfair Trading Regulations 2008; Consumer Rights Act 2015; Copyright, Designs &amp; Patents Act 1998; Counter Terrorism Act 2008; Criminal Justice Act 1988 - Part IX; Dangerous Dogs Act 1991; Dogs Act 1906; EC Fertilisers (England &amp; Wales) Regulations 2006;</p>	Executive or non-executive depending on the context

<b>HEAD OF COMMUNITY SERVICES or his/her nominee (cont'd)</b>			
<b>Trading Standards (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
4.	(cont'd)	Education Reform Act 1988-Part IV; Energy Act 1976 & 2011 (Part 1); Enterprise Act 2002; Environmental Protection Act 1990; Estate Agents Act 1979; European Communities Act 1972; Explosives Act 1875; Fair Trading Act 1973; Fireworks Act 2003; Food and Environment Protection Act 1985; Food for Specific Groups (Information and Compositional Requirements) (England) Regulations 2016; Food Safety Act 1990; Food Safety and Hygiene (England) Regulations 2013; Forgery & Counterfeiting Act 1981; Fraud Act 2006; Genetically Modified Organisms (Traceability & Labelling) (England) Regulations 2004; Hallmarking Act 1973; Health & Safety at Work etc. Act 1974; Horse Passport Regulations 2009; Intellectual Property Act 2014; Intoxicating Substances (Supply) Act 1985; Licensing Act 2003; Malicious Communication Act 1988; Medicines Act 1968; Motor Cycle Noise Act 1987; Official Controls (Animals, Feed & Food) (England) Regulations 2006; Official Feed and Food Controls (England) Regulations 2009; Olympic Symbol etc (Protection) Act 1995; Organic Products Regulations 2009; Osteopaths Act 1993; Pesticides (Maximum Residue Levels) (England & Wales) Regulations 2008; Performing Animals (Regulation) Act 1925; Petroleum (Consolidation) Regulations 2014; Poisons Act 1972; Prices Act 1974; Products of Animal Origin (Disease Control) (England) Regulations 2008; Protection from Harassment Act 1997; Protection of Animals Act 1911; Protection of Animals (Amendment) Act 1954; Psychoactive Substances Act 2016; Public Health Act 1961; Registered Designs Act 1949; Regulatory Enforcement Sanctions Act 2008; Road Traffic Act 1988; Road Traffic Offenders Act 1988;	Executive or non-executive depending on the context

<b>HEAD OF COMMUNITY SERVICES or his/her nominee (cont'd)</b>			
<b>Trading Standards (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
4.	(cont'd)	Road Traffic (Foreign Vehicles) Act 1972; Theft Act 1968; Theft Act 1978; Tobacco Advertising & Promotions Act 2002; Tobacco & Related Products Regulations 2016; Trade Descriptions Act 1968; Trade in Animals & Related Products Regulations 2011; Trade Marks Act 1994; Transmissible Spongiform Encephalopathies (England) Regulations 2010; Transport Act 1968; Unsolicited Goods & Services Act 1971; Unsolicited Goods & Services (Amendment) Act 1975; Video Recordings Act 1984; Vehicle (Crime) Act 2001; Weights & Measures Act 1985	Executive or non-executive depending on the context
5.	<p>To consult with a person against whom an enforcement order might be made and to accept an undertaking in respect of any actual or prospective infringement of specified consumer legislation.</p> <p>To co-operate with a community enforcer and to exercise the powers of the council as a general enforcer and CPC enforcer under the Enterprise Act 2002.</p> <p>To carry out all the enforcement powers, investigations and statutory duties of the council under the Enterprise Act 2002 including to institute proceedings in the courts under that Act.</p>	Enterprise Act 2002	Executive

**Head of Transport and Economy**

<b>HEAD OF TRANSPORT AND ECONOMY or his/her nominee</b>			
The following powers and duties are delegated subject to the following provisos:			
(c) legal proceedings may only be commenced with the consent of the head of law and governance or his/her nominee; and			
(d) the head of law and governance or his/her nominee is the authorised officer for the purposes of completing the documentation and statutory procedures required to give effect to decisions made in exercise of functions marked *.			
<b>Highways, Rights of Way and Traffic Regulation</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	To request the traffic commissioner to impose traffic regulation conditions.	Transport Act 2000	Executive
2.	Responsibility for providing school crossing patrols.	Part III, Road Traffic Regulation Act 1984	Executive
3.	Respond on behalf of the council in relation to any proposal for development, highway works or traffic management made or to be determined by another body.	Any legislation relevant to the responsibilities of the strategic director	Executive
4.*	Exercise the functions of the council under the private street works code and the advance payments code.	Part XI, Highways Act 1980	Executive
5.*	To propose the making or orders relating to road traffic, parking places and speed limits and, in the event of no objections being received, to make the orders.	Part I, II, IV and VI, Road Traffic Regulation Act 1984	Executive
6.*	Stopping up or diversion of highways by magistrates.	Section 116, Highways Act 1980	Executive
7.*	To make Definitive Map Modification Orders, where evidence demonstrates the existence of a public right of way and to confirm any unopposed Definitive Map Modification Order.	Wildlife and Countryside Act 1981	Non-executive
8.*	To make order in relation to cycle tracks and to confirm such orders if they are unopposed.	Section 3, Cycle Tracks Act 1984	Non-executive
9.*	To make orders for the stopping up of public rights of way and, in the event of the orders being unopposed, to confirm them.	Sections 118, 118A and 118B, Highways Act 1980	Non-executive
10.*	To make orders for the diversion of public rights of way and, in the event of the orders being unopposed, to confirm them.	Sections 119, 119A and 119B, Highways Act 1980	Non-executive
11.*	To make orders for the compulsory creation of footpaths and bridleway and, in the event of the orders being unopposed, to confirm them.	Section 26, Highways Act 1980	Non-executive
12.*	To exercise the functions of the council in relation to new roads and street works.	New Road & Street Works Act 1991	Executive
13.	To grant extensions of time for making good the surface of footpaths and bridleways.	Section 134, Highways Act 1980	Executive
14.	To submit to other public path order making authorities the council's views in respect of proposed public path orders within or adjacent to Warwickshire.	Part III, Highways Act 1980	Executive
15.*	To enter public path creation agreements.	Section 25, Highways Act 1980	Non-executive

<b>HEAD OF TRANSPORT AND ECONOMY or his/her nominee (cont'd)</b>			
<b>Highways, Rights of Way and Traffic Regulation (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
16.	To exercise the functions of the council in relation to the following matters (including fixing and recovering charges):		Executive or non-executive depending on the context
	(a) providing and permitting services, amenities, recreation and refreshment facilities in the highway and related powers;	Part VIIA, Highways Act 1980	Executive
	(b) flagpoles, pylons and other structures on the highway;	Section 144, Highways Act 1980	Non-executive
*	(c) dropped kerbs;	Section 184, Highways Act 1980	Non-executive
	(d) skips;	Section 139, Highways Act 1980	Non-executive
*	(e) the planting of trees, shrubs, plants or grass;	Section 142, Highways Act 1980	Non-executive
	(f) scaffolding;	Section 169, Highways Act 1980	Non-executive
	(g) building materials and making of excavations in streets;	Section 171, Highways Act 1980	Executive
	(h) hoardings during building works;	Section 172, Highways Act 1980	Executive
*	(i) the construction, alteration or use of buildings over highways;	Section 177, Highways Act 1980	Non-executive
*	(j) installation of apparatus;	Section 50, New Roads & Street Works Act 1991	Non-executive
*	(k) the placing of rails, beams, pipes, cables, wires or similar apparatus over, along or across the highway;	Section 178, Highways Act 1980	Non-executive
*	(l) the construction of cellars under the street, etc.;	Section 179, Highways Act 1980	Non-executive
*	(m) the control of openings into cellars or vaults under streets and pavements, lights and ventilators.	Section 180, Highways Act 1980	Executive
17.*	<p>To propose the making of orders relating to minor road traffic orders provided that the local member does not object.</p> <p>A "minor traffic order" is one falling into one of the following categories:</p> <p>(i) no waiting at any time restrictions at junctions including waiting restrictions required for the safe and efficient operation of traffic signals;</p> <p>(ii) waiting restrictions on one or both sides of a length of road extending no greater than 50 metres on a principal road or 100 metres on a non-principal road, when measured along the centreline of the road;</p> <p>(iii) extension to a speed limit order on a length of road extending no greater than 50 metres on a principal road or 100 metres on a non-principal road, when measured along the centreline of the road; and</p> <p>(iv) any other traffic order designated by the strategic director for resources as such following consultation with the relevant overview and scrutiny committee.</p> <p>The maximum lengths of roads which come within the definition of "minor traffic order" apply to each separate proposal and not the total length of road covered by an order which may contain a number of proposals.</p>	Parts I and II, Road Traffic Regulation Act 1984	The definition of a "minor traffic order" will apply to new traffic orders and to amendments to existing traffic orders, including consolidation orders

<b>HEAD OF TRANSPORT AND ECONOMY or his/her nominee (cont'd)</b>			
<b>Highways, Rights of Way and Traffic Regulation (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
18.	To exercise any powers of enforcement in respect of any unlawful interference with the highway or its users, including powers to remove or remediate interference or to carry out works in default of compliance with any notice or other requirement.	Part IX, Highways Act 1980 and any other enactment or common law provision conferring such powers	Executive or non-executive depending on the context
19.	To exercise or authorise any person to exercise any powers to enter land or premises, to require the provision of any information and to carry out any inspection, survey, sampling, testing, recording or other investigation in connection with any of his/her responsibilities.	Highways Act 1980; New Roads & Street Works Act 1990; Countryside & Rights of Way Act 2000 and any other enactment conferring relevant powers	Executive or non-executive depending on the context
20.	To construct, alter or remove a cycle track provided that the local member does not object.	Section 65, Highways Act 1980	Executive
21.	Agree modifications to the Memorandum of Participation in the Parking and Traffic Regulations Outside London Adjudication Joint Committee if, following consultation with the portfolio holder, he/she is satisfied that doing so has not significant policy or budget implications.	Part 6, Traffic Management Act 2004 ("the 2004 Act"); Sections 101(5), 102(1)(b) and 101(5B), The Act of 1972; Section 20, Local Government Act 2000; Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000; Local Authorities (Goods and Services) Act 1970	Executive
22.*	To propose the making, amendment and revocation of gating orders and, in the event of no objections or representations against the proposal being received, to make the orders.	Sections 129A to 129G, Highways Act 1980	Executive
23.*	To exercise functions in relation to the transfer of roadway and footway lighting systems from lighting authorities.	Section 270, Highways Act 1980	Executive
24.*	To give consent to the placing of waste collection receptacles on a highway.	Section 46(5), Environmental Protection Act 1990	Executive



**Head of Community Capacity Building**

<b>HEAD OF COMMUNITY CAPACITY BUILDING or his/her nominee</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	Respond on behalf of the council in relation to any proposal for development, made or to be determined by another body.	Any legislation relevant to the responsibilities of the head of service	Executive
2.	To deal with planning applications of a minor nature submitted on behalf of the council in respect of which he/she has no property management responsibilities.	Regulation 3, Town & Country Planning General Regulations 1992	Non-executive
3.	To respond to consultations from district councils under the listed provisions.	Article 10, Town & Country Planning (General Development Procedure) Order 1995; Paragraph 7 of Schedule 1, Town & Country Planning Act 1990	Executive
4.	To deal with applications for the approval of details for all materials and landscaping schemes submitted following the granting of planning permission by the council, subject to any dispute being referred to the appropriate committee.	Section 72, Town & Country Planning Act 1990	Non-executive
5.	To approve minor amendments to proposals not requiring a further planning application and to determine applications to vary conditions, and for approval of details pursuant to conditions, submitted in respect of county matters (as defined in Schedule 1, Town and Country Planning Act 1990 and regulations thereunder), subject to any dispute being referred to the appropriate committee.	Sections 73 and 73A, Town & Country Planning Act 1990; Town & Country Planning (General Development Procedure) Order 1995	Non-executive
6.	To deal with proposals submitted for approval of the appearance and position of buildings, subject to any dispute being referred to the appropriate committee.	Parts 19 and 20, Town & Country Planning (General Permitted Development) Order 1995	Non-executive
7.	To initiate the making of a direction, within twenty-one days of receipt of a notification under the order, requiring planning permission to be obtained for those mineral exploration works referred to in the notice.	Article 7, Town & Country Planning (General Permitted Development) Order 1995	Non-executive
8.	To administer applications under any planning legislation and to take steps (including any steps in relation to environmental impact assessment) preparatory or incidental to the determination of any such application.	Part III, Town & Country Planning Act 1990; Town & Country Planning (General Development Procedure) Order 1995; Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999; Town & Country Planning General Regulations 1992; Town & Country Planning (Applications) Regulations 1988; Town & Country Planning (General Permitted Development) Order 1995 and any other relevant enactment	Non-executive
9.	To make applications: (i) for planning permission for works for the alteration or extension of listed buildings; (ii) for listed building consent to the demolition, alteration or extension of listed buildings; and (iii) for the demolition of unlisted buildings in conservation areas.	Section 9E, Local Government Act 2000; Section 82, Planning (Listed Buildings & Conservation Areas) Act 1990	Executive
10.	The determination of application for planning permission for the erection of control kiosks, equipment and other apparatus relating to the control and management of sewage.	Section 70, Town & Country Planning Act 1990	Non-executive



<b>HEAD OF COMMUNITY CAPACITY BUILDING or his/her nominee (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
11.	To determine applications for planning permission for the provision or alteration of hard surfaces subject to any dispute being referred to the appropriate committee.	Section 70, Town & Country Planning Act 1990	Non-executive
12.	To determine applications for planning permission for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure subject to any dispute being referred to the appropriate committee.	Section 70, Town & Country Planning Act 1990	Non-executive
13.	In consultation with the deputy leader, to determine and publish local requirements as to the particulars and evidence accompanying planning applications.	Section 62(3), Town & Country Planning Act 1990; Articles 5(31), Town & Country Planning (General Development Procedure) Order 1995	Non-executive
14.	To exercise or authorise any person to exercise any powers to enter land or premises, to require the provision of any information and to carry out any inspection, survey, sampling, testing, recording or other investigation in connection with any of his/her responsibilities.	Town & Country Planning Act 1990 and any other enactment conferring relevant powers	Executive or non-executive depending on the context
15.	Responsible for the administration of the council's powers relating to the management and disposal of waste.	Sections 45 to 63A, Environmental Protection Act 1990; Section 32, Waste Emissions Act 2003	Executive
16.	Together with the strategic director for resources to authorise the trading of landfill allowances pursuant to the Landfill Allowance Trading Scheme.		
17.	In relation to Pride in Camp Limited: (i) to arrange for secondments of staff to the company; (ii) to make a loan of £250,000 for the Early Purchase Scheme; (iii) to make operating payments to the Board; (iv) to make provisions for £445,000 capital works for environmental improvements; (v) to approve additional expenditure up to the shortfall amount; (vi) to agree contribution account amounts; (vii) to demand payment of bank guarantee proportions if called upon; (viii) to provide notice that the council will not be attending a general meeting; and (ix) to state in writing to the other partners why consent to any item in Article 15 was not given.	Section 2, Local Government Act 2000	Executive
18.	In relation to Pride in Camp Hill Limited, jointly with the strategic director for resources: (i) to give consent to the appointment of directors other than partner directors; (ii) to agree to the WCC director not being on a committee/sub-committee of the company; (iii) to demonstrate best endeavours to obtain the necessary consents for Dev1; and (iv) to arrange for the transfer of freehold of Dev1.	Section 2, Local Government Act 2000	Executive
19.	In relation to Pride in Camp Hill Limited, jointly with the strategic director for resources: (i) to receive quarterly the current cash flow, contribution account, minutes of meetings; and (ii) in the event of an early exit notice, attend a resolution meeting.	Section 2, Local Government Act 2000	Executive

### 10.11 Chief Fire Officer - Delegations

The deputy chief fire officer within the fire & rescue service is the head of service for the purpose of these delegations. The head of service or his/her nominees in respect of the services for which they are responsible shall have the following powers and duties.

The chief fire officer may direct any person prior to the exercise of any delegated power in relation to a particular matter:

- o that the chief fire officer is to be consulted before a decision is made;
- o that the chief fire officer requires the matter to be referred to a member body; and
- o that the chief fire officer intends to take the decision.

### Head of Service

HEAD OF SERVICE or his/her nominee			
	Powers and duties	Statutory Reference	Function Type
1.	Taking and implementing decisions on matters relating to day to day administration of services or functions for which they are responsible.	Sections 101 and 111, The Act of 1972; Section 9E, Local Government Act 2000	Executive or non-executive depending on the context
2.	Taking and implementing decisions to maintain the operation and effectiveness of services within their responsibility.	Sections 101 and 111, The Act of 1972; Section 9E, Local Government Act 2000	Executive or non-executive depending on the context
3.	Taking any necessary decision incidental to policy decisions that have been taken by elected members.	Sections 101 and 111, The Act of 1972; Section 9E, Local Government Act 2000	Executive or non-executive depending on the context
4.	Authority for all necessary tenders to be obtained and contracts to be completed in relation to the implementation of the revenue budget and capital programme subject to compliance with standing orders.	Section 111, The Act of 1972	Executive
5.	The head of service originating the report or, in the case of a joint report, the first named head of service: (i) to decide what are the background papers used or referred to in the preparation of the report; (ii) to list the background papers on the report; and (iii) to make a copy of the background papers available for public inspection.	Sections 100 D(1)(a) and 100 D(5)(a), The Act of 1972; Regulations 6 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 as amended; Local Government (Access to Information) Variation Order 2006	Non-Executive - reports to council and its committees  Executive - reports to cabinet, its committees and officer key decisions
6.	The head of service proposing to take a report to a member body in respect of a key decision or a head of service proposing to take a key decision is responsible for giving prior notice of that decision to the head of law and governance in accordance with the Access to Information Rules.	Regulations 14 to 16, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Executive – reports to cabinet and its committees or other member bodies making key executive decisions
7.	The head of service prior to taking a key decision is responsible for making any reports received available for public inspection unless it would disclose confidential or exempt information as defined in the Access to Information Rules.	Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Executive

<b>HEAD OF SERVICE or his/her nominee (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
8.	The head of service immediately after making a key decision is responsible for producing a written statement setting out the decision, the reasons for the decision, any options considered or rejected, any reports taken into account, any interest declared by a member consulted in respect of the decision and any dispensation granted by the standards committee and sending the written statement and any reports taken into account to the head of law and governance who will make the written statement and any accompanying reports available for public inspection unless it would disclose confidential or exempt information.	Regulation 4, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000  Regulations 5 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Executive
9.	No head of service or any person nominated by them shall make a key decision which does not comply with the Access to Information Rules.	Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 as amended	Executive
10.	Reports by heads of service referring to the finances of the council shall not be circulated to members without consultation with the head of finance.	Section 151, The Act of 1972	Executive or non-executive depending on the context
11.	Responsibility for ensuring that financial regulations and financial instructions are observed throughout the departments under their control.	Section 151, The Act of 1972	Non-executive
12.	Responsibility to notify the head of finance of all officers designated to certify and authorise invoices for payment together with specimen signatures.	Section 151, The Act of 1972	Non-executive
13.	Responsibility for ensuring accurate and prompt input of payments data to the creditors' payments system.	Sections 111 and 151, The Act of 1972	Executive or non-executive depending on the context
14.	Responsibility to collect all income as detailed in the appropriate revenue budgets.	Sections 111 and 151, The Act of 1972	Executive
15.	With the approval of the head of finance, and after consultation with the chair of cabinet, to agree to the council incurring revenue expenditure for which there is no provision in any vote in the annual or supplementary estimates approved by the council or to agree reduced income, where it is not possible to obtain the necessary approval in accordance with the normal committee procedures because of urgency, provided: (i) the expenditure can be met from within the earmarked reserves of the department concerned; and (ii) any requirements of the Access to Information Rules are met.  Any proposal to spend beyond the departments earmarked reserves shall be referred to council.	Sections 101, 111 and 151, The Act of 1972; Section 9E, Local Government Act 2000; Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000; Local Authorities (Functions & Responsibilities) (England) Regulations 2000	Executive or non-executive depending on the context
16.	Responsibility to render promptly official invoices for sums due to the council and to notify the head of finance of appropriate details.	Section 151, The Act of 1972	Executive or non-executive depending on the context

<b>HEAD OF SERVICE or his/her nominee (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
17.	Responsibility to comply with contract standing orders and ensure every contract and variation to a contract is executed in writing and, in relation to capital contracts where the variation involves a material alteration or extension of the scope of the contract, whether or not the cost can be met within the contract to obtain the prior agreement of the head of finance.	Sections 111, 135 and 151, The Act of 1972 and any other relevant enactment	Executive or non-executive depending on the context
18.	To write off as irrecoverable sums due to the council up to the limit of £500 or such revised limit which the chief executive, after consultation with the head of finance, shall agree.	Sections 111 and 151, The Act of 1972; Section 9E, Local Government Act 2000	Executive
19.	In accordance with the council's grading structure and their policy guidelines as set out in their manager's guide, to determine the appointment, promotion and salary levels of the council's employees and other conditions of service matters.	Section 112, The Act of 1972	Non-executive
20.	Each head of service shall be responsible for ensuring that his/her list of delegated powers is kept up to date and appropriate authority obtained from the relevant member body to any changes.	Sections 100G and 101, The Act of 1972; Section 9E, Local Government Act 2000	Executive or non-executive depending on the context
21.	To approve requests for ex gratia payments to complainants up to £1000 in relation to upheld complaints where a financial remedy is appropriate.	Sections 111 and 112, The Act of 1972; Section 92, Local Government Act 2000 or other enactment	Non-executive

### 10.12 Strategic Director for People - Delegations

All heads of service within the people group or their respective nominees in respect of the services for which they are responsible shall have the following powers and duties:

The strategic director may direct any person prior to the exercise of any delegated power in relation to a particular matter:

- that the strategic director is to be consulted before a decision is made;
- that the strategic director requires the matter to be referred to a member body; and
- that the strategic director intends to take the decision.

### All Heads of Service

<b>ALL HEADS OF SERVICE or their nominees</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
1.	Taking and implementing decisions on matters relating to day to day administration of services or functions for which they are responsible.	Sections 101 and 111, The Act of 1972; Section 9E, Local Government Act 2000	Executive or non-executive depending on the context
2.	Taking and implementing decisions to maintain the operation and effectiveness of services within their responsibility.	Sections 101 and 111, The Act of 1972; Section 9E, Local Government Act 2000	Executive or non-executive depending on the context
3.	Taking any necessary decision incidental to policy decisions that have been taken by elected members.	Sections 101 and 111, The Act of 1972; Section 9E, Local Government Act 2000	Executive or non-executive depending on the context
4.	Authority for all necessary tenders to be obtained and contracts to be completed in relation to the implementation of the revenue budget and capital programme subject to compliance with standing orders.	Section 111, The Act of 1972	Executive
5.	The head of service originating the report or, in the case of a joint report, the first named head of service: (i) to decide what are the background papers used or referred to in the preparation of the report; (ii) to list the background papers on the report; and (iii) to make a copy of the background papers available for public inspection.	Sections 100 D(1)(a) and 100 D(5)(a), The Act of 1972; Regulations 6 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 as amended; Local Government (Access to Information) Variation Order 2006	Non-Executive - reports to council and its committees  Executive - reports to cabinet, its committees and officer key decisions
6.	The head of service proposing to take a report to a member body in respect of a key decision or a head of service proposing to take a key decision is responsible for giving prior notice of that decision to the head of law and governance in accordance with the Access to Information Rules.	Regulations 14 to 16, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Executive – reports to cabinet and its committees or other member bodies making key executive decisions
7.	The head of service prior to taking a key decision is responsible for making any reports received available for public inspection unless it would disclose confidential or exempt information as defined in the Access to Information Rules.	Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Executive

<b>ALL HEADS OF SERVICE or their nominees (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
8.	The head of service immediately after making a key decision is responsible for producing a written statement setting out the decision, the reasons for the decision, any options considered or rejected, any reports taken into account, any interest declared by a member consulted in respect of the decision and any dispensation granted by the standards committee and sending the written statement and any reports taken into account to the head of law and governance who will make the written statement and any accompanying reports available for public inspection unless it would disclose confidential or exempt information.	Regulation 4, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000  Regulations 5 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Executive
9.	No head of service or any person nominated by them shall make a key decision which does not comply with the Access to Information Rules.	Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 as amended	Executive
10.	Reports by heads of service referring to the finances of the council shall not be circulated to members without consultation with the head of finance.	Section 151, The Act of 1972	Executive or non-executive depending on the context
11.	Responsibility for ensuring that financial regulations and financial instructions are observed throughout the departments under their control.	Section 151, The Act of 1972	Non-executive
12.	Responsibility to notify the head of finance of all officers designated to certify and authorise invoices for payment together with specimen signatures.	Section 151, The Act of 1972	Non-executive
13.	Responsibility for ensuring accurate and prompt input of payments data to the creditors' payments system.	Sections 111 and 151, The Act of 1972	Executive or non-executive depending on the context
14.	Responsibility to collect all income as detailed in the appropriate revenue budgets.	Sections 111 and 151, The Act of 1972	Executive
15.	With the approval of the head of finance, and after consultation with the chair of cabinet, to agree to the council incurring revenue expenditure for which there is no provision in any vote in the annual or supplementary estimates approved by the council or to agree reduced income, where it is not possible to obtain the necessary approval in accordance with the normal committee procedures because of urgency, provided: (i) the expenditure can be met from within the earmarked reserves of the department concerned; and (ii) any requirements of the Access to Information Rules are met.  Any proposal to spend beyond the departments earmarked reserves shall be referred to council.	Sections 101, 111 and 151, The Act of 1972; Section 9E, Local Government Act 2000; Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000; Local Authorities (Functions & Responsibilities) (England) Regulations 2000	Executive or non-executive depending on the context
16.	Responsibility to render promptly official invoices for sums due to the council and to notify the head of finance of appropriate details.	Section 151, The Act of 1972	Executive or non-executive depending on the context



<b>ALL HEADS OF SERVICE or their nominees (cont'd)</b>			
	<b>Powers and duties</b>	<b>Statutory Reference</b>	<b>Function Type</b>
17.	Responsibility to comply with contract standing orders and ensure every contract and variation to a contract is executed in writing and, in relation to capital contracts where the variation involves a material alteration or extension of the scope of the contract, whether or not the cost can be met within the contract to obtain the prior agreement of the head of finance.	Sections 111, 135 and 151, The Act of 1972 and any other relevant enactment	Executive or non-executive depending on the context
18.	To write off as irrecoverable sums due to the council up to the limit of £500 or such revised limit which the chief executive, after consultation with the head of finance, shall agree.	Sections 111 and 151, The Act of 1972; Section 9E, Local Government Act 2000	Executive
19.	In accordance with the council's grading structure and their policy guidelines as set out in their manager's guide, to determine the appointment, promotion and salary levels of the council's employees and other conditions of service matters.	Section 112, The Act of 1972	Non-executive
20.	Each head of service shall be responsible for ensuring that his/her list of delegated powers is kept up to date and appropriate authority obtained from the relevant member body to any changes.	Sections 100G and 101, The Act of 1972; Section 9E, Local Government Act 2000	Executive or non-executive depending on the context
21.	To approve requests for ex gratia payments to complainants up to £1000 in relation to upheld complaints where a financial remedy is appropriate.	Sections 111 and 112, The Act of 1972; Section 92, Local Government Act 2000 or other enactment	Non-executive



## **SECTION 11 – MEMBERSHIP OF COUNCIL BODIES from May 2015**

Details of Membership of Council Bodies and the political composition can be found on the council's website: [www.warwickshire.gov.uk/cmis](http://www.warwickshire.gov.uk/cmis)

## **SECTION 12 – THE MEMBERS OF THE COUNTY COUNCIL**

Details of the Members of the County Council  
can be found on the council's website: [www.warwickshire.gov.uk/cmis](http://www.warwickshire.gov.uk/cmis)