

## **Appendix 5 – Scheme of Delegated Powers to Officers**

### **1. General conditions applying to all delegated decisions**

- 1.1 Chief Officers (which for the purpose of this Scheme includes the Heads of Service listed in Section B of this Scheme) are authorised within the scope of this Scheme to exercise the powers and duties of the County Council in relation to the service and activities for which they are responsible, and the professional and managerial responsibilities of their posts. They are accountable to the elected Members of the County Council for the efficient and economic discharge of these responsibilities. Members are accountable to the public and are responsible for all major matters which impact upon the public in the course of the County Council exercising its powers and duties.
- 1.2 Subject to the provisions of this Scheme, but without otherwise limiting the scope of paragraph 1, the powers delegated to Chief Officers include:
- a. issuing and serving statutory notices
  - b. granting any licence, consent, approval, permission certificate or authorisation with or without conditions, or their refusal
  - c. fixing, varying, deferring and waiving charges and similar payments (and associated conditions) which the County Council is entitled to impose
  - d. signing documents
  - e. authorising entry onto land
  - f. inspecting land and premises and things on premises
  - g. making grants (subject to any limitations imposed by Members in Council or Committee)
  - h. making Statutory Orders and Schemes
  - i. instituting criminal proceedings
  - j. declaring land to be surplus to the requirements of their service
  - k. delivering the approved capital programme for their service

In addition, the Senior Trading Standards Officers listed in Section B of this Scheme have the specific powers to institute legal proceedings they're referred to.

- 1.3 Officers can only act within delegated powers and these are exercisable subject to:
- a. strategies, policies, priorities and Financial Regulations determined by the Members of the County Council;
  - b. referral to the Executive for consultation or decision on all matters of public controversy or undecided matters of policy or substantial change from previous practice or which involve difficult or major issues where custom and practice or initial consultation with elected Members indicates that such referral should take place;
  - c. compliance with the law and all policies, Regulations, Orders, codes, protocols, and similar documents approved by Council, the Leader, the Cabinet, or a relevant Committee;
  - d. consultation with appropriate officers and proper regard to any advice given;
  - e. other specific delegations in this Scheme or similar documents to another officer;
  - f. decisions by the Head of Paid Service or the Monitoring Officer on whether Chief Officers should exercise any delegated power;
- 1.4 In addition to the constraints referred to above, there are exceptions to all officers' delegated powers. In particular, there is no delegation to officers of:
- a. matters specifically reserved to the Council, the Leader, the Cabinet or a Committee;
  - b. approval to exceed the provision in the revenue or capital budgets for their service responsibilities; (subject to the rules on virement contained in the Financial Regulations in Appendix 15);
  - c. decisions on permanent savings in the budget to achieve the Council's policies;
  - d. the making of an Order for the compulsory acquisition of land;
  - e. the right to determine a major employee reorganisation;
  - f. Any key decision falling within the definition set out in Article 10.3 which: -
    - recommends a budget to the full Council
    - proposes an amendment to the Council's Policy Framework (as defined in the Constitution)
    - involves the adoption of any other policy or a works programme
    - involves the expenditure or savings of more than £1.25M over one accounting year unless expressly provided for in the adopted budget or Policy Framework

- involves the acquisition or disposal of land and buildings or any interest in land and buildings in excess of an estimated value of £1.25M unless covered by a specific item in the budget
- involves a budget virement of funding in excess of the virement limit to be set out in the Constitution
- recommends the promotion or amendment of local legislation
- involves significant public, private and voluntary partnership working in Norfolk
- involves the making of a Statutory Order or Scheme which will have a significant impact on the delivery of County Council services
- proposes significant changes to the Constitution

Together with any other decision which the Monitoring Officer, in consultation with the Leader and Head of Paid Service, considers to be a key decision within the Regulations.

- 1.5 A Chief Officer need not exercise their delegated power in any particular matter and must not do so if in their opinion the matter involves questions of policy as yet undecided by the Council or Committee or any substantial change from previous practice.
- 1.6 The Leader, with the exception of functions which are not to be the responsibility of the Executive, may, following consultation with the Head of Paid Service and Monitoring Officer, withdraw any delegations made by them by giving written notice to that effect to the relevant Chief Officer and copied to the Head of Paid Service and Monitoring Officer. The delegation may be withdrawn either generally or in a specific case and the withdrawal will take effect immediately the notice is given. The notice withdrawing the delegated power will also state who will exercise the delegated power in the place of the relevant Chief Officer. In the case of the delegation of a professional or technical matter, that person must be someone suitably qualified.

## **2. General conditions applying to all delegated powers listed below**

- 2.1 The delegated powers in Section B of this Scheme must be exercised.
- (a) In accordance with any relevant policies of the County Council.
- (b) In consultation with appropriate officers and after paying proper regard to any advice given.
- 2.2 Any power conferred upon a Chief Officer (which for this purpose includes the Heads of Service listed in Section B of this scheme) may be exercised in the name of the Chief Officer by their Deputy or another Senior Officer authorised in writing to do so by the Chief Officer.
- 2.3 In addition, a Chief Officer may authorise in writing any named officer to exercise a delegated power:

(a) in their absence, or

(b) when they are otherwise not available to exercise it at the relevant time.

2.4 Any authorisation under paragraphs (i) and (ii) must be documented.

2.5 Any authorisations given under paragraphs (i) and (ii) will be recorded in the Schedule at the end of this Appendix.

2.6 Chief Officers shall also be required to liaise with and inform:

(a) the relevant Cabinet Member regarding the exercise of powers and duties in appropriate cases;

(b)

(c) the local Member on those issues listed in the Local Member Protocol at the end of this Appendix.

2.7 A Chief Officer need not exercise their delegated power in any particular matter and unless prohibited by law, may instead refer the matter to Members for a decision.

2.8 Failure to carry out the consultations in paragraph 1(b) and 3 will not invalidate the exercise of the delegated power.

2.9 Where in the opinion of the appropriate Chief Officer and of the Assistant Director of Governance (Democratic and Regulatory Services) a decision which would otherwise be a Planning Regulatory Committee decision is required urgently, that Chief Officer, after consultation with any other appropriate Chief Officers, the Committee Chair and the main political group Spokespeople thereof, may take such a decision in respect of any matter falling within the remit of the Committee on the understanding that details of the matter, together with the decision, are reported by way of letter, to the Members of the Committee. In the event of there not being unanimous agreement between the Party Spokespeople, the matter should be referred to the Urgent Business Sub-Committee.

2.10 Any reference in these delegations to any Act or Statutory Instrument or any section or clause thereof, is deemed to refer to the same as at any time amended, and where such Act, Instrument, section or clause has been replaced, consolidated, or re-enacted, with or without amendment, such mention shall be deemed to refer to the relevant provisions of the replacing, consolidating or re-enacting statute or instrument.

2.11 The power to grant licences, consents, approvals, permissions, certificates and authorisations includes the power to vary, revoke or refuse such licences etc. and to grant them with or without conditions.

2.12 This Scheme does not apply to the statutory responsibilities placed on the Head of Paid Service, Executive Director Finance & Commercial Services and Director of Governance nor to any non- statutory tasks which Central Government from time to time requests of individual Chief Officers.

- 2.13 Any decision or appointments made, or authorisation given by a Chief or other officer before 7 May 2019 remains effective and in force unless or until expressly revoked.

### **3. Officers' scheme of delegated powers**

The following summaries of Chief Officers' delegations' detail further exceptions and provide appropriate clarification: -

#### **3.1 Head of Paid Service**

In accordance with the strategies, policies and priorities of the Council and the general conditions set out in Section A of this Scheme:

1. To exercise the functions of Head of Paid Service under the provisions of the Local Government and Housing Act 1989
2. To do, or authorise to be done, any act or thing necessary to affect any decision of the Council.
3. To exercise any powers where necessary in the event of a civil emergency, consulting where practicable with the Group Leaders and Chair of the Scrutiny Committee.
4. To determine the list of politically restricted posts within the Council and to issue certificates under Section 3 of the Local Government and Housing Act 1989.
5. To authorise an Executive Director to act in their absence on any matter within their authority.
6. To give permission for the use of the County Council's Coat of Arms.
7. To divide electoral divisions into polling districts at local government elections.
8. To make appointments to Committees in consultation with the relevant Group Leader.
9. In line with the statutory requirements set out in sections 36 – 41 of the Counter Terrorism and Security Act 2015 to ensure compliance with the Channel duty guidance 2020 (and any future updates) including the constitution of a Channel Panel for its area.

#### **3.2 Executive Director of Children's Services**

In accordance with the strategies, policies and priorities of the Council and the general conditions set out in Section A of this Scheme, to exercise the Council's functions relating to Children's Services, including social care and intervention services for children and young people, adoption, youth offending residential establishments (but excluding decisions on the closure, relocation or change of use of residential establishments) schools, further education and the youth service including:

- (a) Filling vacancies for Local Education Authority School Governors on the basis of nominations recommended by the appropriate nominating Party Spokesperson.

- (b) Dismissal of Local Education Authority School Governors.
- (c) Variations to the Scheme for the Local Management of Schools and any cases of a withdrawal of delegated powers; but excluding.
- (d) The adoption of a syllabus of religious education on the recommendation of the Standing Advisory Committee on Religious Education.
- (e) Major school reorganisation proposals.
- (f) Proposals to open and close schools.

In addition:

- (i) The Children's Services operational lead for school attendance and the Senior Adviser – Safeguarding are authorised to institute legal proceedings in connection with the Council's functions relating to school attendance.
- (ii) The Children's Services operational lead for school attendance and the Senior Adviser – Safeguarding are authorised to serve school attendance orders.
- (iii) To license the employment of children.

### **3.3 Executive Director of Adult Social Services**

In accordance with the strategies, policies and priorities of the Council and the general conditions set out in Section A of this Scheme, to exercise the Council's functions relating to Social Services for adults, disabled persons, elderly persons, welfare and mental health services, community care and residential homes but excluding decisions on the closure, relocation or change of use of residential establishments and day establishments.

### **3.4 Executive Director of Community and Environmental Services**

In accordance with the strategies, policies and priorities of the Council and the general conditions set out in Section A of this Scheme, to exercise the Council's functions with regard to Adult Education, Customer Services, Libraries, Museums, Archaeology, Archives and the Arts but excluding the withdrawal or major modification of public facilities.

In accordance with the strategies, policies and priorities of the Council and the general conditions set out in Section A of this Scheme, to exercise the Council's functions relating to Town and Country Planning, Highways, Transportation, the Environment, Waste Disposal, Waste Management, Trading Standards, Safety of Sports Grounds, Consumer and Environmental Protection, Animal Health and Welfare, , Emergency Planning and Economic Development including:

- (1) Approving minor or uncontroversial changes to the County Council's planning policies and plans and minor or uncontroversial comments on other organisations' plans and policies.
- (2) Responding to District Council consultations on planning applications or to development

proposals by Government departments, statutory undertakers, local authorities or other decision-making bodies provided that the proposal is consistent with County Council policy, is unlikely to raise controversial issues of a strategic nature and the Local Member has been informed of the proposed response.

- (3) Giving advice or making recommendations to local planning authorities on behalf of the County Council as local highway authority, minerals and waste planning authority and county planning authority.
- (4) In connection with permanent and experimental traffic regulation orders (including speed limits):
  - (i) to authorise the public advertisement of the intention to make such orders
  - (ii) to authorise the making of such orders where there are no objections
- (5) Imposing temporary speed limits and temporary traffic restrictions and prohibitions.
- (6) To exercise the Council's functions relating to land drainage.
- (7) The powers of entry, inspection, sampling, test purchasing, and all other powers given to duly authorised officers or inspectors in connection with the functions relating to trading standards, safety of sports grounds, consumer and environmental protection, animal health and welfare and planning services.
- (8) Appointing and authorising officers of the Council and other authorities to enforce the legislation relating to the functions of trading standards, safety of sports grounds, consumer and environmental protection, animal health and welfare, and planning services including the institution of legal proceedings (including proceedings under Section 222 of the Local Government Act 1972) and the authorisation of officers to appear in the Magistrates Court but excluding the making of Orders and Regulations.
- (9) Appointing and authorising officers of the Council as Inspectors under Section 19(1) of the Health and Safety of Work Act 1974 and to authorise such postholders to exercise the powers contained in Sections 20(2), 21, 22, 25, 38 and 39 of the Act and the provisions of the Explosives Act 1875 being relevant statutory provisions under the 1974 Act, and of Regulations, Orders or other legislation made, modifying or having effect under the provision.
- (10) Giving advice or recommendations to Local Planning Authorities on behalf of the County Council as Lead Local Flood Authority in line with requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- (11) To appoint individuals to act as Public Analysts in accordance with the Food Safety Act 1990, Section 27(i) and to appoint Agricultural/Deputy Agricultural Analysts in accordance with the Agriculture Act 1970, Section 67.3(b).
- (12) To exercise all the functions of the Council relating to Town and Country Planning and Development Management except for:
  - (a) approval of applications for County Matter and County Council development where

objections are raised by statutory consultees;

- (b) approval of applications for County Matter and County Council development which have three or more individual representations raising planning related objections;
  - (c) approval of applications for County Matter and County Council development requiring Environmental Impact Assessments;
  - (d) where the Executive Director of Community and Environmental Services determines, in consultation with the Chair of the Planning (Regulatory) Committee, that approval of applications for County Matter and County Council development should be determined by the Committee; and
  - (e) approval of applications for County Council development which are considered a departure from the Development Plan.
- (13) To refuse applications for County Matters and County Council development on the grounds that there is insufficient information to determine the application.
- (14) To authorise the publication and maintenance of records associated with the register of flood risk structures or features under Section 21 of the Flood and Water Management Act 2010.
- (15) Approving the publication of formal flood investigations undertaken under Section 19 of the Flood and Water Management Act 2010.
- (16) To issue screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended).
- (17) To exercise the Council's powers and duties in respect of obtaining information as to interests in land under Section 330 of the Town and Country Planning Act 1990.
- (18) To exercise the Council's powers and duties in respect of obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- (19) To exercise the functions of the Council as the Competent authority under the Conservation of Habitats and Species Regulations 2010, as amended, with regards to any consent, permission or other authorisation for, a plan or project for which it is the relevant planning authority. Including:
- Determine whether or not an appropriate assessment is required.
  - Where it is considered that an appropriate assessment is required.
  - Decide whether it is appropriate to take the opinion of the public and if so the necessary steps to be taken, and
  - In the light of an appropriate assessment, determine whether the Plan or Project will or will not adversely affect the integrity of the European site.
- (20) To authorise entry onto land under Section 196 of the Town and Country Planning Act 1990.

- (21) To grant Street Works licences.
- (22) To permit the deposit of builders skips on the highway.
- (23) To license the planting, retention and maintenance of trees etc on the highway.
- (24) To licence works in relation to buildings etc which obstruct the highway.
- (25) To consent to temporary deposits or excavations in streets.
- (26) To dispense with the duty to erect hoardings or fences.
- (27) To restrict the placing of rails, beams etc. over highways.
- (28) To consent to the construction of cellars etc under streets.
- (29) To consent to the making of openings into cellars etc under streets, and pavement lights and ventilators.
- (30) To remove things deposited on highways so as to be a nuisance.
- (31) To assert and protect the rights of the public to the use and enjoyment of highways.
- (32) To create footpaths, bridleways and restricted byways by agreement or by order.
- (33) To divert, stop up and extinguish footpaths, bridleways and restricted byways.
- (34) To enter into access agreements under Section 35 of the Countryside and Rights of Way Act 2000.
- (35) To provide access in the absence of agreement under Section 37 of the Countryside and Rights of Way Act 2000.
- (36) To authorise temporary disturbance of the surface of footpaths, bridleways and restricted byways.
- (37) To temporarily divert footpaths, bridleways and restricted byways.
- (38) To exercise functions relating to the making good of damage and removal of obstructions from public paths.
- (39) To authorise the erection of stiles etc on footpaths and bridleways.
- (40) To designate footpaths as cycle tracks.
- (41) To enter into agreements under Section 278 of the Highway Act 1980.
- (42) To license the movement of cattle from a market.
- (43) To license the movement of animals under specific disease orders.

- (44) To permit the placing of scaffold/hoarding on the highway.
- (45) To licence the cultivation of areas subject to full highway rights.
- (46) To licence the movement of animals, where such movements would otherwise be allowed under general licence, in an instance where the ability of livestock keeper to use the general licence has been removed.
- (47) To exercise all the Council's functions in relation to the safety of sports grounds legislation.

### **3.5 Executive Director – Finance and Commercial Services**

In accordance with the strategies, policies and priorities of the Council and the general conditions set out in Section A of this Scheme, to be responsible for the proper administration of the financial affairs of the Council including all arrangements concerning financial planning, financial control, banking, accounts, income, insurances, investments, bonds, loans, guarantees, leasing, borrowing (including methods of borrowing), trust and pension funds, the payment of creditors, the payment of salaries, wages, pension schemes benefits and gratuities and internal audit. Authorisation of write-off of debts less than £10,000.

### **3.6 Chief Fire Officer**

In accordance with the strategies, policies and priorities of the Council and the general conditions set out in Section A of this Scheme, to exercise the Council's functions relating to fire prevention, firefighting, fire safety, explosives and petroleum and the functions conferred on the local authority under Article 25 of the Fire Safety Order 2005, the Fire and Rescue Services Act 2004 and the Fire and Rescue National Framework.

- (a) The appointment of holders of the following posts below as Inspectors under Section 19(1) of the Health and Safety at Work etc Act 1974 and to authorise such postholders to exercise the powers contained in sections 20(2), 21, 22, 25 and 39 of the Act:

Chief Fire Officer  
Deputy Chief Fire Officer  
Assistant Chief Fire Officer  
Area Managers  
Brigade Managers

### **3.7 Director of Public Health**

In accordance with the strategies, policies and priorities of the Council and the general conditions set out in Section A of this Scheme, to exercise the Council's functions relating to Public Health and specifically:

- Health Protection
- Health Improvement
- Clinical Public Health including advice to the wider health system
- Health Intelligence
- Emergency planning

### **3.8 Director of Governance**

In accordance with the strategies, policies and priorities of the Council and the general conditions set out in Section A of this Scheme:

Appointed as:

- Senior Responsible Officer (SRO)
- Data Protection Officer (DPO)
- Money Laundering Reporting Officer (MLRO)

- (1) To authorise officers to appear and represent the Council in Magistrates and County Courts.
- (2) To serve notices requiring information to be given in respect of interests in land.
- (3) To enter into any legal documentation, make any statutory orders, make any application to the Courts or other tribunals and take associated action, to give effect to decisions made by or on behalf of the Council.
- (4) To deal with Blight Notices and Purchase Notices.
- (5) To keep the Definitive Map and Statement under review.
- (6) To include modifications relating to the Definitive Map and Statement in other Orders relating to public rights of way.
- (7) To keep the register of prescribed information with respect to applications under Section 53(5) of the Wildlife and Countryside Act 1981.
- (8) To prepare a map and statement by way of consolidation of the Definitive Map and Statement.
- (9) To serve notices requiring information to be given in respect of interests in land.
- (10) To determine applications for certificates of lawful use or development and for certificates of lawfulness for proposed use or development.
- (11) To register common land or town or village greens and to register variation of rights of common and to determine applications for the registration of land as new Town or Village Green.
- (12) To obtain information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 330 of the Town and Country Planning Act 1990.

### **3.9 Assistant Director of Governance (Democratic and Regulatory Services)**

In accordance with the strategies, policies and priorities of the Council and the general conditions set out in Section A of this Scheme:

Appointed as:  
Statutory Scrutiny Officer

And to exercise the Council's functions in respect of:

1. The Registration Act 1953
2. The Marriages and Civil Partnerships (Approved Premises) Regulations 2005
3. the Marriages Act 1949
4. the Coroners Service
  
5. making appointments to the Norfolk Valuation Panel
  
6. To declare vacancies in office and give public notice of a casual vacancy under Sections 86 and 87 of the Local Government Act 1972.

#### **4. Limitations on officers delegated decisions**

##### **4.1 Grants thresholds**

i.e. those thresholds above which Member approval will be required for the making of grants. (See para 2(g) of Section A of this Scheme).

In respect of the following service areas: -

1. Children's Services - £10,000
2. Cultural Services - £1,000.
3. Citizens Advice Bureau – all grants

## Schedule of delegations of Chief Officers' powers

### Executive Director of Children's Services

#### Section A2 (November 2020)

Areas of Delegation	Range of Grades
a. Issuing and serving statutory notices.	K (or equivalent) and above, within their areas of responsibility.
b. Granting any licence, consent, approval, permission certificate or authorisation with or without conditions, or their refusal.	H and above, within their areas of responsibility.
c. Fixing, varying, deferring and waiving charges and similar payments which the County Council is entitled to impose.	P and above, within their areas of responsibility.
d. Signing documents.	K and above, within their areas of responsibility.
e. Authorising entry onto land.	Not applicable
f. Inspecting land and premises and things on premises.	E and above, within their areas of responsibility.
g. Making grants (up to £10,000).	J and above, within their areas of responsibility.
h. Making Statutory Orders and Schemes.	K (or equivalent) and above, within their areas of responsibility.
i. Instituting criminal proceedings.	J and above, within their areas of responsibility.
j. Declaring land to be surplus to the requirements of their service.	Reserved to Executive Director
k. Delivering the approved capital programme for their service.	K and above, within their areas of responsibility.

## Schedule of delegations of Chief Officers' powers

### Executive Director of Children's Services

#### General delegation (November 2020)

Each member of the Children's Services Departmental Management Team, together with staff in their services within their areas of responsibility and graded at SO1 and above, are authorised to exercise the Council's functions delegated to the Executive Director of Children's Services in relation to education, schools, further education, youth service and the Youth Offending Team.

Area of Delegation	Officer(s)
a. Reviewing decisions made by the Authority in exercising its discretionary powers relating to the provision of financial and other support to pupils and students.	Assistant Director – Education
b. Filling vacancies for Local Education Authority School Governors on the basis of nominations recommended by the appropriate nominating Party Spokespeople and dismissal of LEA School Governors.	Assistant Director – Education
c. Variations to the Scheme of Local Management of schools and any cases of a withdrawal of delegated powers.	Reserved to Executive Director
d. Applications under part IV of the Children Act 1989 i.e. Care Orders, Emergency Protection Orders and Recovery Orders.	(Qualified and Registered) Social Workers in consultation with Team Managers
e. Application to the Court for an order under the inherent jurisdiction in relation to children.	(Qualified and Registered) Social Workers in consultation with Safeguarding Manager and/or Corporate Parenting Manager
f. Applications under Section 18 of the Adoption Act 1976 i.e. freeing for adoption.	(Qualified and Registered) Social Workers in consultation with Safeguarding Manager and/or Corporate Parenting Manager
g. Applications under the Children Act and Adoption Act for leave to disclose documents in proceedings.	Case Responsible Team Managers in consultation with Safeguarding Manager and/or Corporate Parenting Manager

h. Application to the Court for a breach of a Court Order.

Case Responsible Team Managers in consultation with Safeguarding Manager and/or Corporate Parenting Manager

## Schedule of delegations of Chief Officers' powers

### Executive Director of Adult Social Services

#### Section A2 (November 2020)

Area of Delegation	Range of Employees' Grades
a. Issuing and serving statutory notices.	M and above, within their areas of responsibility
b. Granting any licence, consent, approval, permission certificate or authorisation with or without conditions, or their refusal.	M and above, within their areas of responsibility
c. Fixing, varying, deferring and waiving charges and similar payments which the County Council is entitled to impose.	M and above, within their areas of responsibility
d. Signing documents.	D and above, within their areas of responsibility
e. Authorising entry onto land.	Not applicable
f. Inspecting land and premises and things on premises.	D and above, within their areas of responsibility
g. Making grants (subject to any limitations imposed by Committee).	M and above, within their areas of responsibility
h. Making Statutory Orders and Schemes.	I and above, within their areas of responsibility (in consultation with line managers)
i. Instituting criminal proceedings.	Executive Director or Assistant Director
j. Declaring land to be surplus to the requirements of their service.	Executive Director
k. Delivering the approved capital programme for their service.	K and above, within their areas of responsibility

In the absence of the Executive Director, any Assistant Director is authorised to act on their behalf. In matters requiring a professional social work decision, the appropriate Assistant Director's advice will be sought, where possible.

## Schedule of delegations of Chief Officers' powers

### Executive Director of Adult Social Services

#### General delegation (November 2020)

Each member of the Adult Social Services Department Senior Management Team, together with employees in their services within their areas of responsibility is authorised to exercise the Council's functions delegated to the Executive Director of Adult Social Services in respect of social care services to adults and children and their families.

In addition, the making of the following applications is delegated to:

Complaint under Section 43 and 56 of the National Assistance Act 1948 to recover the costs of assistance from persons liable for maintenance.	Executive Director Finance & Commercial Services
Application under Section 29 of the Mental Health Act 1983 for appointment by the Court of acting nearest relative.	Approved Social Workers
Applications under Sections 2,3 and 4 of the Mental Health Act 1983.	Approved Social Workers
Applications for Guardianship under Section 7 of the Mental Health Act 1983.	Approved Social Workers

## Schedule of delegations of Chief Officers' powers

### Director of Governance (November 2020)

The following powers will be exercised by the Director of Governance and the postholders indicated in the second column of the table.

(1) To authorise officers to appear and represent the Council in Magistrates and County Courts.	Assistant Director of Governance (Head of Legal Services)nplaw
(2) To serve notices requiring information to be given in respect of interests in land.	nplaw Solicitors
(3) To enter into any legal documentation, make any statutory orders and make any application to the Courts or other tribunals, and to take associated action, to give effect to decisions made by or on behalf of the Council	Everybody, within their general area of responsibility with sealing and signing of contracts limited to M grade nplaw officers and above and to the Head of Governance and Regulatory Services
(4) To deal with Blight Notices and Purchase Notices.	M grade nplaw officers and above

## Schedule of delegations of Chief Officers' powers

### Assistant Director of Governance (Democratic and Regulatory Services) (November 2020)

The following powers will be exercised by the Head of Governance and Regulatory Services, and the postholders indicated in the second column of the table below.

(1) To exercise the Council's functions in respect of the Registration Service Act 1953	Registration Services Manager
(2) To exercise the Council's functions in respect of the Marriages and Civil Partnerships (Approved Premises) Regulations 2005	Registration Services Manager
(1) To exercise the Council's functions in respect of the Marriage Act 1949.	Registration Services Manager -
(4) To exercise the Council's functions in respect of the Coroner's Service	Coroner's Service Manager
(1) To make appointments to the Norfolk Valuation Panel	Head of Governance & Regulatory Services
(6) To declare vacancies in office and give public notice of a casual vacancy under Sections 86 and 87 of the Local Government Act 1972.	Head of Governance & Regulatory Services

## Schedule of delegations of Chief Officers' powers

### Executive Director of Community and Environmental Services

#### General delegation (November 2020)

Each member of the Community and Environmental Services Management Team, together with staff in their services graded at Scale H and above, are authorised within their area of responsibility, to exercise the Council's functions delegated to the Executive Director of Community and Environmental Services, in respect of adult education, customer services, libraries, museums, archaeology, archives, arts, town and country planning, highways, transportation, the environment, waste disposal, waste management, trading standards, safety of sports grounds, emergency planning, consumer and environmental protection, animal health and welfare and economic development but excluding the withdrawal or major modification of public facilities

Specific delegations are detailed below.

Specific and general delegations relating to the Statutory posts within Community and Environmental Services (Chief Fire Officer and Director of Public Health) are detailed later in this document.

#### Section A2 – specific delegation (November 2020)

Specific delegations apply only within an officer's area of responsibility.

Where specific posts are detailed, the delegation also applies to the post holder's line manager and their line management.

Area of Delegation	Officer(s)/Range of Grades
(a) Issuing and serving statutory notices.	Scale H and above graded officers
(b) Granting any licence, consent, approval, permission certificate or authorisation with or without conditions, or their refusal.	Scale H and above graded officers
(c) Fixing, varying, deferring and waiving charges and similar payments which the County Council is entitled to impose.	Scale M and above graded officers Network Co-ordinators (Street Works)
(d) Signing (legal) documents.	Scale M and above graded officers Highways Development Management Service Officers Scale K and above

(e) Authorising entry onto land.	Scale M and above graded officers
(f) Inspecting land and premises and things on premises.	All those authorised to enter land under (e)
(g) Making grants (subject to any limitation imposed by the Council or Committee).	Scale M and above graded officers
(h) Making Statutory Orders and Schemes.	Scale H and above graded officers
(i) Instituting criminal proceedings.	Scale M and above graded officers
(j) Declaring land to be surplus to the requirements of their Services	Members of Departmental Management Team
(k) Delivering the approved capital programme for their service.	Members of Departmental Management Team

## Schedule of delegations of Chief Officers' powers

### Executive Director of Community and Environmental Services

#### Section B – specific delegation (November 2020)

Specific delegations apply only within an officer's area of responsibility.

Where specific posts are detailed, the delegation also applies to the post holder's line manager and their line management.

Area of Delegation	Officer(s)/Range of Grades
(1) Approving minor or uncontroversial changes to the County Council's planning policies and plans and minor or uncontroversial comments on other organisations' plans and policies.	Members of Departmental Management Team Head of Planning Senior Planners Scale K and above Highways Development Management Service Officers Scale J and above
(2) Responding to District Council consultations on planning applications or to development proposals by Government departments, statutory undertakers, local authorities or other decision-making bodies provided that the proposal is consistent with County Council policy, is unlikely to raise controversial issues of a strategic nature and the Local Member has been informed of the proposed response.	As (1) above
(3) Giving advice or making recommendations to local planning authorities on behalf of the County Council as local highway authority, minerals and waste planning authority and county planning authority	As (1) above
(4) In connection with permanent and experimental traffic regulation order (including speed limits): - (i) to authorise the public advertisement of the intention to make such orders (ii) to authorise the making of such orders where there are no objections	Scale H and above graded officers

<p>(5) Imposing temporary speed limits and temporary traffic restrictions and prohibitions.</p>	<p>Team Manager (Network Management) Network Co-ordinators (Street Works)</p>
<p>(6) To exercise the Council's functions relating to land drainage.</p>	<p>Scale M and above graded officers</p>
<p>(7) The powers of entry, inspection, sampling, test purchasing, and all other powers given to duly authorised officers or inspectors in connection with the functions relating to trading standards, consumer and environmental protection, animal health and welfare and planning services.</p>	<p>Head of Trading Standards Head of Planning</p>
<p>(8) Appointing and authorising officers of the Council and other authorities to enforce the legislation relating to the functions of trading standards, consumer and environmental protection, animal health and welfare, and the Health Protection (Coronavirus, Business Closure) (England) Regulations 2020, the Health Protection (Coronavirus, Restrictions) (England) Regulations and any ancillary or consequential health protection legislation in so far as it relates to the functions of trading standards and enforcement, and planning services including the institution of legal proceedings (including proceedings under Section 222 of the Local Government Act 1972) and the authorisation of officers to appear in the Magistrates Courts.</p>	<p>Head of Trading Standards Head of Planning</p>

<p>(9) Appointing and authorising officers of the Council as Inspectors under Section 19(1) of the Health and Safety of Work Act 1974 and to authorise such postholders to exercise the powers contained in Sections 20(2), 21, 22, 25, 38 and 39 of the Act and the provisions of the Explosives Act 1875 being relevant statutory provisions under the 1974 Act, and of Regulations, Orders or other legislation made, modifying or having effect under the provision.</p>	<p>Head of Trading Standards</p>
<p>10) Giving advice or recommendations to Local Planning Authorities on behalf of the County Council as Lead Local Flood Authority in line with requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015.</p>	<p>officers Scale H and above</p>
<p>(11) To appoint individuals to act as Public Analysts in accordance with the Food Safety Act 1990, Section 27(i) and to appoint Agricultural/Deputy Agriculture Analysts in accordance with the Agriculture Act 1970, Section 67.3(b)</p>	<p>Head of Trading Standards</p>
<p>(12) To exercise all the functions of the Council relating to Town and Country Planning and Development Management except for:</p> <p>(i) approval of planning applications and proposals in accordance with the Development Plans where objections are raised by statutory consultees or/and have three or more individual representations raising planning related objections;</p>	<p>Head of Planning Principal officers Scale L and above</p>

<p>(ii) approval of minerals and waste applications requiring Environmental Impact Assessments;</p> <p>(iii) approval of applications for County Matter and County Council development where no more than four individual representations raising planning-related objection are received and the Executive Director of Community and Environmental Services determines, in consultation with the Chair of the Planning (Regulatory) Committee, that the application should be determined by the Committee.</p>	
<p>(13) To refuse applications on the grounds that there is insufficient information to determine whether or not the application accords with the development plan.</p>	<p>Head of Planning Principal Planners Scale L and above</p>
<p>(14) To authorise the publication and maintenance of records associated with the register of flood risk structures or features under Section 21 of the Flood and Water Management Act 2010</p>	<p>Scale L and above graded officers</p>
<p>(15) Approving the publication of formal flood investigations undertaken under Section 19 of the Flood and Water Management Act 2010</p>	<p>Scale L and above graded officers</p>
<p>(16) To issue screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended).</p>	<p>Head of Planning Principal Planners Scale L and above</p>
<p>(17) To exercise the Council's powers and duties in respect of obtaining information as to interests in land under Section 330 of the Town</p>	<p>Head of Planning Principal Planners Scale L and above</p>

and Country Planning Act 1990.	
(18) To exercise the Council's powers and duties in respect of obtaining particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Head of Planning Principal Planners Scale L and above
(19) To exercise the functions of the Council as the Competent authority under the Conservation of Habitats and Species Regulations 2010, as amended, with regards to any consent, permission or other authorisation for, a plan or project for which it is the relevant planning authority. Including: - <ul style="list-style-type: none"> <li>• Determine whether or not an appropriate assessment is required;</li> <li>• Where it is considered that an appropriate assessment is required;</li> <li>• Decide whether it is appropriate to take the opinion of the public and if so the necessary steps to be taken; and</li> <li>• In the light of an appropriate assessment, determine whether the Plan or Project will or will not adversely affect the integrity of the European site.</li> </ul>	Head of Planning Principal Planners Scale L and above
(20) To authorise entry onto land under Section 196 of the Town and Country Planning Act 1990	Head of Planning Principal Planners Scale L and above
(21) To grant Street Works licences	Inspector (Street Works) Grade G and above
(22) To permit the deposit of builders skips on the highway	Inspector (Street Works) Grade G and above
(23) To license the planting, retention and maintenance of trees etc. on the highway	Highway Engineer Scale K and above

(24) To licence works in relation to buildings etc. which obstruct the highway	Highway Engineer Scale K and above
(25) To consent to temporary deposits or excavations in streets	Highway Engineer Scale K and above
(26) To dispense with the duty to erect hoardings or fences	Highway Engineer Scale K and above
(27) To restrict the placing of rails, beams etc over highways	Highway Engineer Scale K and above
(28) To consent to the construction of cellars etc. under streets	Highway Engineer Scale K and above
(29) To consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators	Highway Engineer Scale K and above
(30) To remove things deposited on highways so as to be a nuisance	Highway Engineer Scale K and above
(31) To assert and protect the rights of the public to the use and enjoyment of highways	Highway Engineer Scale K and above
(32) To create footpaths, bridleways and restricted byways by agreement or by order	Highway Engineer Scale K and above Environment Service Managers Scale L and above
(33) To divert, stop up and extinguish footpaths, bridleways and restricted byways	Highway Engineer Scale K and above Environment Service Managers Scale L and above
(34) To enter into access agreements under Section 35 of the Countryside and Rights of Way Act 2000	Highway Engineer Scale K and above Environment Service Managers Scale L and above
(35) To provide access in the absence of agreement under Section 37 of the Countryside and Rights of Way Act 2000	Highway Engineer Scale K and above Environment Service Managers Scale L and above

(36) To authorise temporary disturbance of the surface of footpaths, bridleways and restricted byways	Highway Engineer Scale K and above Environment Service Managers Scale L and above
(37) To temporarily divert footpaths, bridleways and restricted byways	Highway Engineer Scale K and above Environment Service Managers Scale L and above
(38) To exercise functions relating to the making good of damage and removal of obstructions from public paths	Highway Engineer Scale K and above Environment Service Managers Scale L and above
(39) To authorise the erection of stiles etc on footpaths and bridleways	Highway Engineer Scale K and above Environment Service Managers Scale L and above
(40) To designate footpaths as cycle tracks	Highway Engineer Scale K and above Environment Service Managers Scale L and above
(41) To enter into agreements under Section 278 of the Highway Act 1980	Scale M and above graded officers
(42) To license the movement of cattle from a market	Scale M and above graded officers
(43) To license the movement of animals under specific disease orders	Scale M and above graded officers
(44) To permit the placing of scaffold/hoarding on the highway	Inspector (Street Works) Grade G and above
(45) To licence the cultivation of areas subject to full highway rights	Highway Engineer Scale K and above
(46) To licence the movement of animals, where such movements would otherwise be allowed under general licence, in an instance where the ability of livestock keeper to use the general licence has been removed	Scale M and above graded officers.

<p>(47) To exercise all the Council's functions in relation to the safety of sports grounds legislation</p>	<p>Head of Trading Standards Scale M and above graded officers</p>
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## Schedule of delegations of Chief Officers' powers

### Chief Fire Officer

#### General delegation (November 2020)

Each member of the Fire and Rescue Service with staff in their services graded at Firefighter/Fire Safety Advisor and above, are authorised, within their area of responsibility, to exercise the Council's functions delegated to the Chief Fire Officer. In respect of Fire Safety, specific delegations are detailed below.

Specific delegations apply only within an officer's area of responsibility. Where specific posts are detailed, the delegation also applies to the post holder's line manager and their line management.

#### Section B – Specific delegation (November 2020)

Area of Delegation	Officer(s) Range of Grades
RR (Fire Safety) Order 2005 – Article 31 – Prohibition Notices	Chief Fire Officer Deputy Chief Fire Officer Assistant Chief Fire Officer Area Manager
RR (Fire Safety) Order 2005 – Article 30 – Enforcement Notices	Chief Fire Officer Deputy Chief Fire Officer Assistant Chief Fire Officer Area Manager Group Manager Station Manager Operational Support Officer Fire Safety Advisor
RR (Fire Safety) Order 2005 – Article 29 – Alterations Notices	Chief Fire Officer Deputy Chief Fire Officer Assistant Chief Fire Officer Area Manager Group Manager Station Manager Operational Support Officer Fire Safety Advisor
RR (Fire Safety) Order 2005 – Article 27 – Powers of Inspectors	All Grades

## Schedule of delegations of Chief Officers' powers

### Director of Public Health

#### Section A2 – specific delegation (November 2020)

Areas of Delegation	Range of Grades
a. Issuing and serving statutory notices.	Director or Deputy Director
b. Granting any licence, consent, approval permission certificate or authorisation with or without conditions, or their refusal.	Director or Deputy Director
c. Fixing, varying, deferring and waiving charges and similar payments which the County Council is entitled to impose.	Director or Deputy Director
d. Signing documents.	L and above, within their areas of responsibility.
e. Making grants (up to £10,000).	M and above

#### Section B – specific delegation (November 2020)

##### General delegation

Each member of the Public Health Departmental Management Team, together with staff in their services within their areas of responsibility, are authorised to exercise the Council's functions delegated to the Director of Public Health in relation to:

- Health Protection
- Emergency planning
- Health Improvement
- Clinical Public Health including advice to the wider health system
- Health Intelligence

**Annex to Appendix 5 – Local Member Protocol**  
**Protocol for informing Members of issues relating to their Electoral Division**  
**(November 2020)**

**1. Children’s Services**

- Reviews of provision including new services or closures of establishments or services and school closures or amalgamations.
- Changes in procurement of services.
- Significant building work, i.e. provision of additional accommodation, new school buildings, early years or nursery provision, remodeling of a school requiring building work, replacement of mobile classrooms.
- Outcome of inspections.
- Local events, activities, presentations.
- Local school admission issues.
- Governor vacancies.
- Key visitors to County Councillor’s Divisions.
- Major accidents, injuries or violent incidents affecting children’s services, staff or property (including fire, flood, vandalism, burglary which affect operational efficiency).
- Meetings with Members/Members of Parliament.
- Funding/grants to voluntary organisations.

**2. Youth Justice**

- Local initiatives for youth crime and prevention.
- Serious incidents involving a young offender subject to supervision where there is likely to be significant public reaction.

**3. Adult Social Services**

- Major accidents, injuries or violent incidents affecting Social Services staff or property (including fire, flood, vandalism, burglary which affect operational efficiency).
- Controversies (i.e. forthcoming court hearings and inquests concerning clients or staff, deaths, missing clients, service problems or complaints, inter-departmental issues).
- Meetings with Members/Members of Parliament.
- Opening of new premises or a new service.
- Closure of a home, establishment or service.
- Changes/developments to social services delivery (e.g. new structure, re-organisation of services).
- Funding/grants to voluntary organisations.

- Key visitors to Divisions.
- New partnership/joint ventures.

## **4. Community and Environmental**

### **Services**

#### **4.1 Highways and Transport**

- Road and bridge design.
- Publicity statements relating to highway maintenance schemes.
- Major highways developments.
- Traffic Management proposals and objections to proposals.
- Provision of new pedestrian crossings.
- Traffic calming schemes.
- Footway improvement proposals.
- Footpath maintenance and improvements.
- Land acquisitions for maintenance schemes.
- Cycling schemes.
- Route hierarchy reviews.
- Progress on enforcement action in relation to development control.
- Schools, participating in the Healthier and Safer Journeys to School Initiative.
- Revised bus services, local bus service contracts.
- Major public transport service changes.
- Changes to home to school transport arrangements.
- Definitive Map Modification Order applications.
- RUPP Reclassification Orders.
- Applications re: new village greens.

#### **4.2 Environment and Planning**

- Issues relating to the presence of travellers:
  - Traveller group locations (where known).
  - Placing of facilities at the location.
  - Case conferences under the Traveller protocol.
- Any local concerns/media interest.
- 'County Matter' planning applications.
- Formulation of the Minerals and Waste Local Plan.
- Planning applications under Regulation 3 of the Town and Country Planning General Regulations 1992.

#### **4.3 Trading Standards**

- Major breaches of legislation identified which may be of significant public interest, including animal disease outbreaks.

- Significant results of inspections of businesses, i.e. those involving the discovery of major breaches of legislation and the corrective action being taken to address them.
- Consumer complaints about businesses that may have a significant or wide local impact within the community – or nationally (e.g. serious safety issues or fraudulent behaviour).
- High profile enforcement activities, including public enforcement interventions (e.g. prosecution, injunction orders).
- Applications for new Safety Certificates at sports grounds.
- Amendments to Safety Certificates involving any changes in permitted capacity.
- Prohibition notices relating to sports grounds.

#### **4.4 Economic Development and Strategy**

- Planning applications in respect of which the County Council as Strategic Planning Authority is consulted by District Planning Authorities.
- Proposals to make a very strong recommendation for refusal of planning permission on highways grounds.
- New local investment.
- Successful projects under one of our grant schemes.
- Regional/International meetings/visits taking place in a Member's division.
- Area specific policy issues.
- Where there is a likelihood of an application for funding being turned down.
- Changes to the local economic base – expansions, closures, redundancies, prosecution etc.
- Closure (or re-opening) of a rural shop or rural or urban Post Office.

#### **4.5 Emergency Planning**

- Emergencies/Incidents of significance.
- Training/Exercise events.
- Community engagement events.
- New Initiatives.

#### **4.6 Libraries**

- Library closures due to refurbishment or emergencies.
- Changes/developments to libraries, re: new services or plans for development or changes to opening hours.
- Changes/reduction in service due to budget pressures or permanent closures of libraries.
- Changes to mobile library routes and arrival times.

- Key visitors to Divisions.

#### **4.7 Museums**

- Museums achievements and archaeological investigations.
- Museums developments, including closures or reductions in hours.
- Key visitors to Divisions.

#### **4.8 Adult Education**

- Local events, activities, presentations within the Adult Education Service.

#### **4.9 Norfolk Fire and Rescue Service**

- Variations to standards of fire cover e.g. changes to location of stations, number and type of fire appliances, numbers of firefighters.
- Initiatives relating to community safety.
- Key visitors to Divisions

#### **4.10 Customer Services**

- Proposals or changes relating to divisional or major customer access arrangements.

#### **4.11 Corporate Property Team (or agents on instruction)**

- Property reviews
- Property sale particulars.
- Property disposals (freehold/leases over 7 years)
- Planning applications on surplus property or for County Council developments.
- Property acquisitions by lease or purchase.
- Partnership projects.
- Planned maintenance programme for local properties.

### **5. Resource**

#### **5.1 nplaw (Norfolk Public Law)**

- Temporary Traffic Regulation Orders.
- Cycle Track Orders.
- Applications re: common land.

## **5.2 Corporate Planning and Partnerships Service**

- Initiatives relating to collaborative working with partnership projects, equalities and community relations.

## **5.3 Governance and Regulatory Services**

- Register Offices - closures/amalgamations.
- Register Offices – change of opening hours.
- Register Offices – details of building projects.
- Applications by venues to be approved for marriage ceremonies.
- Notification of constituents due to receive an M.B.E. and an invitation to the ceremony.
- Notification of visits organised by the Chair's office.

## **5.4 Communications**

- Informing local Members of divisional news, issues/events.

## **6. Public Health**

- Communicable Disease Outbreaks
- Significant Health Protection Issues
- Launch of any national/countrywide road safety campaigns to be made from local school.

## **7. All Departments**

All departments should notify local Members if they become aware of any proposals for the closure or opening of community facilities, including post offices, bank branches, health facilities etc.