

PART 3 RESPONSIBILITY FOR FUNCTIONS

Section One — Terms of Reference

- 1.0** The functions of the full Council shall be those set out in Article 4.
- 2.0** The functions of the Cabinet shall be all those functions not reserved to the full Council in Article 4 or specified in Schedules 1 and 2 of the Local Authorities (Functions and Responsibilities) (England) Order 2000, as amended, and set out in more detail in the Terms of Reference in Paragraph 7 below.
- 3.0** Responsibility for the functions of the Cabinet shall be assigned by the Leader of the Council to the individual members of the Cabinet (Cabinet Members) working collegiately with the Cabinet remits set out for the time being in Paragraph 8.0 below to ensure the integrated delivery of services. The names and addresses of current members of the Cabinet, the divisions they represent and the remits they have been assigned are contained in a Register maintained by the Chief Executive.
- 4.0** The functions of the Council not discharged by the Cabinet in accordance with Paragraph 2 shall be the responsibility of the following Committees:

Audit Committee
Investment and Pension Fund Committee
Procedures Committee
Development Management Committee
Appeals Committee
Public Rights of Way Committee
Standards Committee
Personnel Committee (Personnel Partnership and Personnel Panel)
Locality (County) Committees (one for each District Council area)

The Terms of Reference of these Committees and any Committees of the Cabinet are set out in Paragraph 9.0.

- 4.1** Personnel matters shall be dealt with by a Personnel Partnership (comprising an equal number of elected members and staff representatives with the Chairmanship alternating annually between a Member and a staff representative) and a Personnel Panel. The terms of reference for both are set out in paragraph 9.8.
- 5.0** The functions of Scrutiny Committees are set out in Article 7.
- 6.0** The Cabinet will be responsible for the discharge of all the functions of the Council under Education and Social Services legislation and in its capacity as Highway Authority (other than those exercised by the Public Rights of Way Committee), County Planning Authority (other than the determination of planning applications), Waste Disposal Authority, Public Transport Authority and Traffic Authority and for all its statutory duties, including the exercise of relevant powers not specifically delegated by the Council to other Committees.
- 6.1** The Cabinet shall arrange for the discharge of certain of its functions by the following Committees of the Cabinet:
- (1) the management and development of the County Farms Estate, by the Farms Estate Committee, within the general strategy, policies and operating procedures of the Council;
 - (2) those responsibilities for highways set out in paragraph 9.10 below by area Highways and Traffic Orders Committees;

7.0 In particular the Cabinet will:

- (1) participate in the annual budgetary process in accordance with the budget framework and keep under review the Council's treasury management policies and practices;
- (2) direct the Council's economic regeneration activities;
- (3) provide strategic advice in the development of the Regional Spatial Strategy;
- (4) establish policies and procedures relating to the Council's property;
- (5) address issues of importance or public concern to the County;
- (6) consider references from Scrutiny Committees, Locality (County) Committees and Highways and Traffic Orders Committees;
- (7) receive the minutes of other Committees referred to at 6.1 above.

8.0 The responsibilities of the Cabinet shall be divided into the following Cabinet Remits. Cabinet Members will also exercise regular budget monitoring of the resources allocated by the Council for those purposes, seek to achieve best value in the services for which they are responsible and have regard to the Council's policies and strategic objectives with respect to sustainability and Local Agenda 21. There may be elements of these Remits which overlap with other Remits and in these circumstances Cabinet Members will exercise their responsibilities jointly, particularly in respect of identifying the future delivery and direction of services.

8.1 Policy & Corporate

Responsibility for the strategic direction and community engagement of the Council, the development of external relations and partnerships and oversight of the formulation and coordination of corporate planning and policy development within the Council's Policy and Budget Framework and, in particular, the oversight of its governance and external affairs arrangements and the development of the Farms Estate.

8.2 Resources

Responsibility for the management of the Council's finances, property and trading units, the use of its assets and the development of its estates and oversight of the Council's annual budget setting, medium and long term financial planning, monitoring of capital and revenue expenditure, year end closure of the accounts and Treasury Management activities so as to achieve value for money in the delivery of Council services.

8.3 Schools & Learning

Responsibility for fulfilling the Council's statutory lead role by chairing the Children's Trust Board and discharging all the Council's functions as a local education authority, with particular emphasis on its duties in respect of schools, support to those children with special educational needs, provision of learning services and an integrated Youth Service; having regard to the Council's strategic objectives and working collegiately to secure the future delivery and direction of services.

8.4 Health & Lead Member for Children's Services

Responsibility for fulfilling the Council's statutory lead role in relation to the proposed Health & Wellbeing Board and the provision of health services in conjunction with the NHS and GP Consortia and other partners, the development of commissioning strategies and strategic needs assessments and the discharge of all the functions of the Council as the Public Health Authority in promoting the health and wellbeing of the public. Responsibility for fulfilling the Council's lead role for children's services and, in particular, for the provision of early years services, child protection and harm reduction services, children in care, children's homes and the Atkinson Unit.

8.5 Social Care

Responsibility for the discharge of all the Council's functions, powers and duties under Social Services legislation and all the functions of the Council which relate to the care and welfare of adults and children including those with additional needs and the commissioning of social care services for those in need including adult protection and harm reduction services; having regard to the Council's strategic objectives and working collegiately to secure the future delivery and direction of services.

8.6 Highways & Transportation

Responsibility for the discharge of the Council's powers and duties as a Highway Authority, taking particular account of road safety requirements and asset management of the county highway network, for the production and implementation of a Local Transport Plan and for flooding and coast protection planning; having regard to the Council's strategic objectives and working collegiately to secure the future delivery and direction of services.

8.7 Economy, Enterprise and Employment

Responsibility for fulfilling the Council's role in relation to Local Enterprise Partnerships (LEPs) and for the promotion of the economy of the county, the encouragement of employment through regeneration and investment, the provision of training and skills for employment for the 16-25 age group, the development of strategic planning in cooperation with other Cabinet Members and the Council's partners in all these areas and the Council's response to energy-related issues.

8.8 Environment and Community

Responsibility for those Council services which safeguard individuals in the community and enhance their quality of life: in particular waste disposal and recycling, carbon reduction, climate change, countryside management, heritage, conservation, gypsies and travellers, community safety including trading standards, consumer protection and emergency planning, the Registration Service and for the provision of a basic adult learning services, a library and archives service and support for the arts.

Liaising with public sector bodies and the voluntary and community sector (the Third Sector) in Devon such as the Citizens Advice Bureau, the Council for Voluntary Services and the Community Council of Devon to develop such relationships for mutual advantage and community gain, working together for the benefit of people and communities in Devon.

8.9 Business Services and Cabinet Liaison for Exeter

Responsibility for co-ordinating the management of structural change through Programme Devon to secure the effective and efficient delivery of services, including oversight of the process for divestment of services and for the continuous

improvement of performance and risk management across the Council, for all staffing issues which fall outside the remit of the Personnel Partnership, the development of the Council's IT and procurement systems and oversight of the Council's legal and communications services, including Freedom of Information, and customer service arrangements and access to services by users and clients.

Liaising with Cabinet Members and, where appropriate, with local councillors to achieve the co-ordinated management of the Council's plans and policies and the integrated delivery of services for the people of Exeter by the County Council and partner organisations, within the context of the City's relationship to its surrounding geographical area and the Council's strategic objectives, and acting as the Cabinet proponent for advancing the needs of and aspirations of the County's Capital City.

8.10 Advisory Groups

8.10.1 From time to time, the Council may appoint Advisory Groups to advise and assist Cabinet Members in carrying out their duties, for example, to initiate the review and development of policies or discuss major issues prior to consideration by the Cabinet.

8.10.2 Where the Council has decided not to appoint Advisory Groups an Cabinet Member shall, nonetheless, have the right to convene, on an ad hoc basis and at his/her discretion, a small representative group of members of the council (i.e. all party) to assist him/her with particular issues or matters.

8.10.3 It is the Cabinet Member's prerogative to convene such meetings and frame the agenda. These Groups are not decision-making bodies and will not therefore be held in public. Administrative support will be provided by the appropriate Head of Service including, inter alia, co-ordinating arrangements and preparing and circulating relevant papers and notes of the meeting, which shall be available to all members of the Council. Meetings must be fixed as far in advance as possible and shown in the Council's calendar of meetings and on the internet to avoid potential clashes and to give Members as much notice as possible.

9.0 Committees

9.1 Investment & Pension Fund Committee

To discharge the duties of the Council as Administering Authority of the Pension Fund and to review and approve the annual statement of accounts of the Devon Pension Fund, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from any audit that need to be brought to the attention of the Council. To review and approve the annual statement of the Pension Fund accounts.

9.2 Appointments Committee

To make recommendations, as appropriate, to the Council on the discharge of its duties in relation to:

- (a) the appointment and conditions of service of Chief Officers, being the Head of Paid Service, Strategic Directors, the Monitoring Officer, the Chief Finance Officer and Officers on Grade D2 and above;
- (b) any reports from the Chief Executive in relation to a change in the manner in which the discharge of the Council's functions is co-ordinated and the number and grades of officers;
- (c) disciplinary action against or the dismissal of Chief Officers;
- (c) determining the remuneration of Chief Officers;

in line with the Chief Officer Employment Procedure Rules set out at Part 6 of this Constitution.

9.3 Procedures Committee

To keep under review all matters relating to the governance of the Council including the operation of its Constitution, its Standing Orders, conventions, working practices and calendar of meetings; to oversee its civic arrangements and programmes for member development/training and to make recommendations to the Council on its Scheme of Members' Allowances.

9.4 Development Management Committee

To discharge the functions of the Council as County Planning Authority:

- (1) by determining planning applications relating to minerals, waste disposal and the Council's own development proposals;
- (2) by dealing with other matters relating to town and country planning legislation;

To oversee the production of the documents forming the County Council's Minerals and Waste Development Framework subject to approval at formal stages by the Cabinet.

[A mechanism by which in certain circumstances an appeal against a decision by this Committee to refuse planning consent for proposed County Council development is set out in Section 3 of this Part of the Constitution. The Development Management Protocol adopted by the County Council is set out at Part 4 of this Constitution].

9.5 Appeals Committee

To determine appeals from parents arising from the application of Council policies relating to the provision of school transport and appeals from students arising from the application of Council policies relating to the payment of educational grants and awards.

9.6 Public Rights of Way Committee

To discharge all the Council's statutory functions relating to the mapping, protection, improvement and variation of the public rights of way network and unsurfaced roads;

To determine issues relating to the registration of village greens or the assertion of other public rights of access to land in the county.

9.7 Standards Committee

The role of the Standards Committee identified in Article 9 is further defined as follows:

To undertake such other functions as the Secretary of State may by regulation confer upon a Local Authority Standards Committee.

To exercise all the functions of a Standards Committee under the Ethical Framework established by the Local Government Act 2000, as amended and all Statutory Instruments and Regulations made by the Secretary of State thereunder.

To advise the County Council on the adoption of a local Members' Code of Conduct with any appropriate local provisions and on its subsequent monitoring and updating.

To implement a local the Code of Conduct including the training of members and officers.

To advise members as to the declaration of interests and the grant of dispensations where appropriate to allow members to participate in matters in which they have interests.

To supervise the Registers of Members' and Officers' Interests and of politically restricted officers.

To receive reports from the Standards Board or ethical standards officers following investigations and to advise the Council on the implications of any disciplinary sanctions imposed by the Board or condign action within the Council's own competence.

To oversee the Council's policy on the Proper Conduct of Business.

To keep up to date the Council's Code of Practice on relations between members and officers.

To be responsible for the Council's procedures for investigating and responding to complaints.

To adopt contract conditions to apply the Council's complaints procedure to contractors.

To approve a Local Planning Code.

To consider Findings of Maladministration by the Local Government Ombudsman.

9.8 Personnel Partnership

To act as the forum for discussion of employee relations matters which form part of the County Council's Strategic Plan and any national initiatives which may impact on the Council and its employees in line with the agreed Partnership Constitution:

Provided that it shall not consider matters relating to individual employees (such as discipline, grievance, promotion or capability) and/or any matters relating to a Directorate which have not been fully considered by the relevant Joint Consultative Committee .

To seek to resolve issues referred to it by the Corporate Joint Consultative and Negotiating Committee.

To seek to reach agreement through consensus, acknowledging that where such consensus cannot be achieved the matter shall be referred to the Cabinet for consideration and determination by the Council thereafter.

9.9 Personnel Panel

To determine appeals under the Council's appeals procedures, as appropriate.

9.10 Highways and Traffic Orders Committees

Within the general strategy, policies and operating procedures of the Council to exercise the following powers of the Highway Authority delegated by the Cabinet:

- (1) To develop, approve details and monitor and implement the Statutory Devon Local Transport Plan local area improvement programmes, up to a value [works costs] of £250,000.

- (2) To approve details and implement improvement schemes from the Statutory Devon Local Transport Plan, countywide, sub-regional and local safety scheme programmes, up to a value [works costs] of £250,000.
- (3) To approve details and implement Traffic Regulation Orders, and schemes for the control of parking on the highway and to be involved in the development of proposals for park and ride schemes.
- (4) To comment on proposals by third parties to stop up or divert highways and stop up private means of highway access.
- (5) To control the use of highways by the granting of consents, approvals, licences, minor property rights in connection with operations, uses or activities on, under, over or adjacent to the highway.
- (6) To ensure the effectiveness of the maintenance of highways, bridges and street lighting.
- (7) To consider and approve proposals for the making up of private streets.
- (8) To maintain an overview on issues relating to repeated obstruction of the highway and advise when action to enforce public rights of way may be considered appropriate.
- (9) To approve the establishment or deletion of school crossing patrol sites, within the criteria and budget defined by the Council.
- (10) To approve the revocation of New Street Orders.
- (11) To approve applications to the Magistrates' Court for the stopping-up or diversion of a public highway.
- (12) To make all the Orders required to implement a highway or transportation scheme approved by the Cabinet recognising that if, following public advertisement of such an Order, a HATOC has concerns about a proposal it should refer it to the Cabinet for final determination.
- (13) To make Gateway Orders under the Clean Neighbourhood Act 2005.

9.11 Locality (County) Committees (one for each District Council area)

To receive briefings from and discuss with the relevant County Community Strategy Officer (who will act as Lead Officer to the Committee) and with other officers as necessary specific service and community issues and projects within the district and to make recommendations to the Cabinet on appropriate action.

To improve information and communication with the public about its access to County Council services in the area and to monitor its performance in the delivery of these services.

To develop and ensure effective partnership working with the City, District or Borough Council (as the case may be) and other partners in the discharge of local functions.

To undertake any additional responsibilities and allocate budgets which may be delegated by the Cabinet from time to time.

To confirm grants or awards proposed by individual members from locality budget funds allocated by the Cabinet in line with the Locality Budget Operating Principles set out at Section Four hereunder.

To express a vision for the areas reflecting cohesion principles and community views, demonstrate understanding of the make-up of the community and champion the participation of under-represented groups and promote integration of different groups.

To administer those educational trusts in the Committee's area for which the County Council is Trustee.

9.12 Audit Committee

Audit Activity

To consider the Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.

To consider summaries of specific internal audit reports as requested.

To consider reports dealing with the management and performance of the providers of internal audit services.

To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.

To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.

To consider specific reports as agreed with the external auditor.

To comment on the scope and depth of external audit work and to ensure it gives value for money.

To liaise with the Audit Commission (or any successor body) over the appointment of the Council's external auditor.

To commission work from internal and external audit.

Regulatory Framework

To make recommendations as appropriate to the Standards Committee and the Procedures Committee in respect of contract procedure rules, financial regulations, codes of conduct and behaviour, whistleblowing policies and the Council's internal complaints procedure.

To monitor the effective development and operation of risk management and corporate governance in the Council.

To oversee the production of the Council's Annual Governance Statement and to recommend its adoption.

To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.

To consider the Council's compliance with its own and other published standards and controls.

Accounts

To review and approve the annual statement of accounts; specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Section Two — Scheme of Delegation

Delegation of Cabinet Functions

10.0 Key Decisions

10.1 In accordance with Article 13.4 the Leader, after consultation with Cabinet Members and the Chief Executive, will table at every meeting of the Cabinet a list of what he/she considers are key decisions and once this list has been approved such decisions shall not be taken other than by the full Cabinet.

11.0 Delegation to Cabinet Members

11.1 A Cabinet Member may take any decision other than a key decision which is both within his/her remit (as set out in Paragraph 8.0 above) and within the policy and budget framework in Part 4 of the Constitution.

11.2 Two or more Cabinet Members may jointly agree to make a decision which is within their collective remits.

11.3 If an Cabinet Member is absent or otherwise unavailable to act the Leader or the Deputy Leader may exercise all the powers delegated to that Member in paragraph 11.1.

11.4 Before taking any decision under this delegation an Cabinet Member shall so far as is reasonably practicable consult any member whose division is particularly affected by that decision and shall arrange for a copy of any further report which he/she intends to take into account in coming to a decision to be made available to the Chairman of the relevant Overview or Scrutiny Committee or to the local County Councillor if it relates to a local issue as described on paragraph 11.6 below.

11.5 A form summarising any such decision and signed by the Cabinet Member(s) shall be sent, together with a record of any report or other information which was taken into account by the decision-maker(s), to the Chief Executive immediately.

11.6 The decision will then be notified to all members of the Council within 2 working days of it having been made. If the decision relates to a local issue a member whose division is particularly affected may within 5 working days of such notification being given ask that the decision be referred to the full Cabinet for consideration. If the decision is of general application to the whole county any member may ask the Leader of his/her political group to require the decision to be referred to the full Cabinet for consideration. Where a decision relates to matter that would, had it been taken by the Cabinet, been considered as a Part II item in the absence of the press and public Members will be notified of the decision and reminded that any documentation contains exempt information which should not be disclosed to the press and public.

11.7 Until the Cabinet has considered a decision which is the subject of a requisition under Paragraph 11.6 it shall not be implemented.

11.8 All forms sent to the Chief Executive in accordance with Paragraph 11.5 above shall be kept in a Register which shall be tabled at all meetings of the Cabinet and be available for public inspection.

12.0 Delegation of Committee Functions

12.1 Any Chief Officer or Head of Service shown in the Management Structure set out at Part 8 of the Constitution may, in consultation with the Chairman of any Committee (or in his/her absence the Vice Chairman), make a decision in respect

of any functions within the terms of reference of that Committee which for reasons of urgency cannot be delayed until the next ordinary meeting of that Committee and does not warrant convening a special meeting.

12.2 The procedure for registering and reporting such decisions set out in Paragraph 11.8 shall apply.

13.0 Delegation to Officers

13.1 For the purposes of this paragraph the words 'Chief Officer' shall mean the Chief Executive, the Strategic Director Place, the Strategic Director People, the County Solicitor and the County Treasurer and Officers on Devon County Council Grade D2 above and in each case any person designated to act as his or her Deputy;

13.2 A Chief Officer or Head of Service is empowered to make all the day-to-day decisions which relate to the efficient discharge of the Council's statutory functions and which are within the directorate or management responsibilities identified in his or her terms of appointment and for this purpose may authorise an officer in his/her Service to make any such decision on his/her behalf.

13.3 Any Chief Officer or Head of Service authorised to make the decisions referred to in paragraph 11.0 above but before doing so shall exercise careful, professional judgement, involving appropriate consultation, as to whether that decision is one which should be taken by a Cabinet Member.

13.4 For any decision under Paragraph 13.3, the procedure for registering and reporting such decisions set out in Paragraph 11.8 shall apply.

13.5 For the avoidance of doubt:

- All the specific delegations of subsisting duties and powers to members and individual officers in this Part of the Constitution and which are in the Register maintained by the Chief Executive under the Local Government (Access to Information) Act 1985 (as set out in the table overleaf) are hereby approved by the Leader of the Council (adjusted as necessary to reflect any variation in the title of job description of the officer concerned);
- Any statutory reference to "the Proper Officer" shall mean the County Solicitor as Monitoring Officer.

Section Three — Appeals against Adverse Determinations of Devon County Council Planning Applications

- 14.0** When the Development Management Committee resolves to refuse planning permission for an application in respect of the Council's own development proposals despite the fact that the Chief Officer or Head of Service (i.e Head of Planning, Transportation & Environment) has recommended that approval should be given the following procedure shall apply.
- 14.1** The relevant Cabinet Member and Chief Officer/Head of Service will consider the decision and indicate whether or not they intend to seek leave from the Cabinet to refer it to the Independent Panel;
- If the Cabinet approves such a reference the Chief Executive will arrange for the decision of the Committee to be reviewed as soon as possible by the Independent Panel;
 - The Independent Panel shall be provided with the original papers submitted to and tabled at the meeting of the Development Management Committee, a full note of any representations made to and the minute of the Committee and an appeal statement by the promoting Directorate;
 - The Independent Panel may inspect the site of the proposed development and, but only if the Development Management Committee so wishes, may meet the Committee to discuss the reasons for its refusal. It will not hold any form of public inquiry.
 - The Panel will prepare a report for the Development Management Committee recommending that the original decision should be confirmed, or amended, or replaced by a decision to grant approval (either conditional or unconditional);
 - Once it has been received by the Chief Executive the Panel's report will be published on the agenda for and considered at the next meeting of the Development Management Committee but the recommendation of the Panel shall not be binding on the Committee.
- 14.2** No action to issue a Decision Notice in respect of the refusal shall be taken until, as the case may be, the Cabinet Member and Chief Officer/Head of Service have indicated that leave to appeal will not be sought, the Cabinet has declined to grant such leave or the Panel's report has been considered by the Development Management Committee
- 14.3** The Procedures Committee shall approve a list compiled and maintained by the Chief Executive of at least five persons with suitable planning experience willing to serve on an Independent Panel for the purposes of this paragraph. For every reference approved by the Cabinet the Chief Executive shall arrange for the appointment of a Panel of three persons on the list who live outside the immediate area of the site of the proposed development. The persons serving on this panel shall be remunerated at the same rates as are currently paid by the Planning Inspectorate.

SCHEDULE OF DELEGATED POWERS

A. GENERAL DELEGATIONS TO OFFICERS

In line with Articles 4 and 6 and paragraphs 1-7 of this Part of the Constitution relating to the exercise of Council functions, Cabinet functions and other local functions this scheme delegates powers and duties under s14 of the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Order 2000, as amended.

The postholders listed below or any successor(s) are authorised to exercise the functions of the County Council (executive and non-executive) relating to the service area or management responsibilities summarised at Part 8 of the Constitution and further delineated below subject to the policy and budget framework approved by the Council or any policies approved by the Cabinet from time to time and to make all the day-to-day decisions which relate to the efficient discharge of those functions and to authorise any other officer to make any such decision(s) on his/her behalf.

Postholders are also authorised to provide and market professional and similar services to outside bodies where this is legally permissible.

CHIEF EXECUTIVE

The Head of Paid Service (s4, Local Government & Housing Act 1989 & Local Government Act 2000).

Responsible for the overall strategic direction, policies and priorities of the Cabinet and of the Council, including the overall corporate revenue and capital budget strategy, and performance management of the workforce and the Council. To exercise all executive functions of the council in accordance with paragraph 13 of this part of the Constitution and, where appropriate and in as matters of urgency, any executive functions delegated to members and officers.

STRATEGIC DIRECTOR PLACE

Jointly responsible with the Chief Executive and Strategic Director People for the overall performance of the Council and its workforce and in setting the strategic direction of the Council, integrating resources and utilising external partner relationships.

To provide strategic leadership in the delivery of infrastructure and place based services in Devon including economic development, highways, planning, transport, environmental functions (e.g. waste, carbon reduction and countryside management) and regulatory functions (e.g. libraries, trading standards and community safety and resilience).

The Council's Senior Responsible Officer for RIPA under the Regulation of Investigatory Powers Act 2000 (RIPA).

STRATEGIC DIRECTOR PEOPLE

Jointly responsible with the Chief Executive and Strategic Director Place for the overall performance of the Council and its workforce and in setting the strategic direction of the Council, integrating resources and utilising external partner relationships.

To provide strategic leadership in the delivery of services to individuals and families including safeguarding and harm reduction services for children & adults, support and reablement services for older people, support to those with special educational needs, learning and physical disabilities, sensory impairment, drug and alcohol dependence and mental health problems and the strategic leadership of schools and learning services including an integrated youth service and the development and integration of the Council's public health responsibilities.

The Council's statutory Director of Children's Services (s18, Children Act 2004) and statutory Director of Adult Social Services (s6, Local Authority Social Services Act 1970) with overall responsibility for services for Children and Adults, Social Care and Public Health.

COUNTY SOLICITOR

The Council's Monitoring Officer (Section 5, LG&HAct 1989) and Chief Legal Advisor.

To safeguard the interests of the Council by the provision of timely and appropriate legal advice and the establishment of effective legal frameworks and procedures to regulate its decision making, responsible for the management of Legal (including land charges and Insurance), Communications, Democratic, Scrutiny, Registration and Coroners Services.

To act as Solicitor to the Council and, in line with Article 14 of the Council's Constitution, to institute, defend or settle any legal proceedings where such action is necessary to give effect to decisions of the Council or to protect the Council's interests; sign any document relating to a legal action to which the Council is or may become a party, authorise the giving of any indemnity by the Council, attest and determine which documents should be sealed by the affixing of the Common Seal and authenticate documents on behalf of the Council.

The Council's Proper Officer for the exercise of the Council's functions in relation to the Registration of Births, Deaths and Marriages and the Proper Officer of the Council for the purposes of the Local Government Act 2000, as amended.

COUNTY TREASURER

The Council's Section 151 (Local Government Act 1972) and the Proper Officer under s115 of the Local Government Act 1972 responsible for the proper administration of the Council's financial affairs, including audit and internal controls and risk management, and the Devon Pension Fund.

Ensuring timely and efficient implementation and delivery of the Council's annual budget, exercising any powers under the Local Government Finance Act 1992, the Audit Commission Act 1998 and associated Regulations, the Local Government Acts 2000 and 2003 relating to both capital finance and revenue expenditure and in connection with precepting or borrowing requirements.

HEAD OF HUMAN RESOURCES

Responsible for leading and managing on all aspects of the Council's Human Resources strategies, policies and practices across the Council, to ensure provision of cost effective services and a motivated, developed and fairly rewarded workforce.

The Council's Responsible Person under the Corporate Homicide and Manslaughter Act.

HEAD OF BUSINESS STRATEGY & SUPPORT SERVICES

Responsible for developing, implementing and maintaining strategies for the delivery of the most effective infrastructure in support of the County Council's strategic priorities to undertake and enhance service delivery across the council including business change, ICT, procurement and business performance and asset strategy and for developing and delivering the Council's Customer Services Strategy and managing the Council's Helpdesks and Customer Service Centre.

HEAD OF SERVICES FOR COMMUNITIES

Responsible for leading and managing development of strategic planning and implementation of strategies within the corporate framework with partners for all services and activities that contribute to the well-being of communities and contribute to the development of the localism national policy and a commissioned model. Responsible for managing directly delivered regulatory services including community strategies, performance improvement, community safety, trading standards, emergency planning, cultural services, community learning and transport co-ordination services.

HEAD OF ECONOMY & ENTERPRISE

Responsible for leading the Council's strategic approach to place shaping through investment by the public and private sectors in economic activity, enterprise and development. Promote, encourage and support the commissioning of physical and intellectual infrastructure that will support and contribute to the prosperity of Devon, developing and maintaining effective partnerships with strategic bodies such as the Heart of the South West Local Enterprise Partnership, the Highways Agency, Network Rail and Rail Operating Companies, the Homes & Communities Agency and with other appropriate private and public sector partners and maximise the benefit from engagement in EU activity.

HEAD OF HIGHWAYS & TRAFFIC MANAGEMENT

Responsible for the maintenance and management of the highway and its related assets and

infrastructure including the promotion of and support for transport related safety issues and healthy lifestyle and the provision of public rights of way. The Council's Traffic Manager under the Traffic Management Act 2004.

HEAD OF PLANNING, TRANSPORTATION & ENVIRONMENT

Responsible for establishing, managing and integrating the County Council's strategic information, assessment and policy functions for communities and places; determining the strategic intelligence, interpretation and needs assessments for the Council and directing strategic policy formulation, commissioning and review including spatial planning, waste and minerals planning, transportation, education and infrastructure planning. Responsible for the Council's statutory development management role as planning and transport authority. Developing the Council's community leadership role in relation to the countryside and support the conservation and enhancement of Devon's natural and historic environment and promote and improve access to and understanding of the countryside.

HEAD OF CAPITAL DEVELOPMENT & WASTE MANAGEMENT

Responsible for developing and delivering the Council's Waste Strategy and Policies to comply with all statutory duties placed on the Council as Waste Disposal Authority. Direct and manage the commissioning of consultancy services for transportation, civil, engineering, construction management, programme development and programme and project monitoring delivery. Determine future development models for services to improve efficiencies in the delivery of strategic outcomes.

HEAD OF CHILD & ADULT PROTECTION

Responsible for the strategic direction, commissioning, policy and practice of the Council in relation to the safety and protection of individual children and vulnerable adults at risk of abuse; developing preventative and early intervention approaches working across agencies and professional groups while maintaining and developing robust joint agency partnership arrangements.

HEAD OF EDUCATION & LEARNING

Responsible for the Council's functions in relation to schools including Achievement through Collaboration, Admissions, the Learning & Development Partnership and the Youth Service, School Meal eligibility, School Quality & Improvement, 14+ Learning and Skills and post 16 proposition and commissioning for special needs and alternative education provision, ensuring the delivery of efficient effective and safe learning services that represent best value.

HEAD OF SOCIAL CARE COMMISSIONING

Responsible for the Council's functions and responsibility in relation to the quality and commissioning of social care services for children, young people, individual adults and their families and carers and for the commissioning of effective, efficient and safe social care services that represent best value. To lead and manage the joint strategic planning and commissioning for adult and children's services and lead the development of service specification to ensure appropriate care pathways that represent value for money and are in the best interest of clients and their carers.

HEAD OF SOCIAL CARE PROVISION

Responsible for regulated services provided by the council for children, young people and adults including domiciliary care, care homes, children's homes, placement services, the Atkinson Unit, fostering and adoption services, employment service and day opportunities; ensuring that services provided are safe, efficient and effective to meet required regulatory standards and working with commissioners to prepare services for future delivery models.

B. INDIVIDUAL DELEGATIONS
An officer to whom a delegation has been made by or in accordance with this scheme may further delegate in writing all or any of the delegated functions to another officer either fully or under the control of the delegating officer.
TO THE CHIEF EXECUTIVE
To appoint an officer as proxy for the Council at the general meeting of any company in which the Council is a Shareholder.
To make the necessary declaration on behalf of the Council under the provisions of section 86 of the Local Government Act 1972 when a member of the authority ceases to be a member by reason of failure to attend meetings for a period of six consecutive months without a reason for the failure having been approved.
To approve such changes to memberships of Committees, Joint Committees, Committees, Working Parties/Panels and Outside Bodies appointed by the County Council as may be notified from time to time by the relevant political group to which those seats have been allocated by the Council.
In conjunction with the relevant Cabinet Member to make payments in cases of maladministration.
TO THE COUNTY SOLICITOR
To act on behalf of the County Council in respect of the Coroner's Service.
Appointed as Returning Officer for County Council elections.
To issue all Notices and Certificates, making relevant charges in connection therewith, and to take any necessary enforcement action under the Safety of Sports Ground Act 1975, the Fire & Safety and Places of Sport Act 1987, the Regulatory Reform (Fire Safety) Order 2005 and any other legislation relevant to sportsground safety.
To institute proceedings in respect of any breach of the Public Library Bye-Laws.
To register applicants under the War Charities Acts where the conditions of registration have been fulfilled and where no objections have been received as a result of public advertisement.
To institute and conduct legal proceedings in Family Courts in connection with functions relating to children and young persons.
Legal Executives and Trainee Solicitors: Authorised, pursuant to Section 223 of the Local Government Act 1972 to prosecute or defend or appear in proceedings before a Magistrate's Court on behalf of the County Council and to issue, process or do any other act or thing necessary to represent the Council in the County Court for the recovery of simple debts arising in contract, tort or by statute or in respect of other statutory matter.
To institute proceedings under section 40 of the Local Government (Miscellaneous Provisions) Act 1982 against persons unlawfully causing or permitting nuisance or disturbance on school or college premises.
To institute proceedings for non-attendance at Schools.
To institute proceedings in respect of breaches of bye-laws relating to the employment of Children.
To publish and confirm Modification Orders following consideration of proposals by the Public Rights of Way Committee.
To institute legal proceedings for public rights of way offences.
To make and confirm non-contentious Public Path Orders following consultation with the local County Councillor.
To decide all matters relating to the Commons Register (including applications for the Registration of Village Greens) in order to maintain this as a current and accurate record of rights within the County.
TO THE CHIEF FINANCE OFFICER (COUNTY TREASURER)
To reinstate pensions in exceptional circumstances.
To exercise discretions contained in the Local Government Pensions Schemes Rules.
To determine requests for early release of deferred pension benefits on compassionate grounds (with a right of appeal available to the Personnel Panel).
To amend the lodging allowance and the base rate of removal allowances annually according to changes in the retail price index.
To appoint one or more outside providers of "in-scheme" additional benefits for those members who wish to pay AVC's.
To sign schedules relating to vehicles supplied under the master agreement signed by the County

Solicitor and to reach agreement with employees of the County Council for the use of Contract Hire Vehicles under the Devon County Vehicle Contract Hire Scheme.
To act as co-ordinator of the scheme and be given power to act on all financial matters associated with the official operation of Contract Car Hire.
To approve bridging loans and car loans for staff.
To keep a loans register in accordance with Section 46 of the Local Government & Housing Act 1998.
To determine the application of the Crombie Regulations.
To administer and make all treasury management decisions on a day-to-day basis in line with the Council's treasury management strategy.
To undertake long and short term borrowing within the limits set by Central Government and approved by the Council.
To introduce new borrowing arrangements as allowed for in legislation.
TO THE HEAD OF BUSINESS STRATEGY & SUPPORT SERVICES
To exercise responsibility for the provision and management of all office accommodation
To advertise in accordance with Standing Orders the sale of surplus (or, in appropriate cases, potentially surplus) land for any planning uses notwithstanding that such uses potentially may conflict with the County Structure Plan; provided that any such advertisements make it clear that the Council reserves the right to express an adverse view on any planning applications made by prospective purchasers.
To administer and exercise day-to-day management responsibilities relating to the County Farms Estate
TO THE HEAD OF EDUCATION & LEARNING
To approve, in consultation with the Director of Finance, deficit budgets set by governing bodies (such approval to be granted for one year only and in exceptional circumstances).
To take decisions on financial assistance to costs of boarding education within agreed criteria (Report EO/87/119).
To act as the authorised Officer to require children over 2 to be medically examined in accordance with Section 34 of the Education Act 1944.
To appear before any Family Proceedings Court for the purposes of s36(1) of the Children Act 1989 and to decide not to comply with a Court Direction to institute proceedings for an Education Supervision Order.
(i) To review, in accordance with Section 11 Education (No.2) Act 1986, the composition of a governing body consequent upon a significant change in character of the school concerned; (ii) To establish, in accordance with Section 12 of the Education (No.2) Act 1986, a temporary governing body for any new or proposed school and to appoint temporary governors in consultation with the Chief Executive; (iii) To administer the day to day affairs of educational charities for which the County Council is trustee.
To prepare revised Instruments and Articles of Government for Devon Maintained Schools and make any necessary Orders.
To agree enhancements of the number of 3 year olds in a nursery unit where no other solution is deemed practicable and where it is necessary to maintain the viability of the unit.
To determine requests from schools to change early years admission arrangements.
To approve any changes in project costs of schemes included in the approved Capital Programme for schools up to a maximum of £100,000 per scheme, in consultation with the Chief Finance Officer and the relevant Cabinet Member.
To approve revenue and external contributions to locally funded schemes included in the approved Capital Programme up to a maximum of £25,000 per project, in consultation with the Chief Finance Officer and the relevant Cabinet Member.
To issue, through the Education Welfare Service, Penalty Notices on behalf of the County Council relating to unauthorised absence of pupils from school
TO THE HEAD OF CHILD & ADULT PROTECTION
To approve bodies or persons employing school children under Section 37(3) of the Children and Young Persons Act 1933.
To agree to the reimbursement of costs, without waiting for the completion of the legal aid process, in those exceptional cases and where satisfied that any delay would be harmful to the interests of the

child, in accordance with the Adoption Act 1976.
Under the Adoption Act 1976 and Adoption Agency Regulations 1983: (a) to consult with the Adoption panel (and with the Medical Adviser) and set out arrangements for governing the prospective functions of the Agency and the Panel and to review the same at least once every 3 years; (b) to be satisfied that staff are appropriately qualified and experienced for the Agency's work; (c) to nominate Medical Advisers; (d) to set up certain procedures in relation to the child and his/her parents (e.g. counselling); (e) to set up certain procedures in relation to a prospective adopter; (f) to make a written report under (iv) and (v) to an Adoption Panel; (g) to refer any proposal to place a child for adoption with a prospective adopter to a Panel; (h) to decide the issues relating to whether or not a child should be adopted or freed for adoption, whether a prospective adopter is suitable and whether he/she is suitable for the particular child after considering the Panel's recommendations; (i) to implement any decisions in accordance with these procedures; (j) to review cases where 6 months have elapsed since a 'freeing' and no placement has been made.
To appoint independent members of Adoption Panels in consultation with the appropriate Cabinet Member(s).
To provide welfare services pursuant to Section.2 of the Chronically Sick and Disabled Persons Act 1970 within the current policies of the Council
To refuse to issue certificates in accordance with Regulation 10 under the Disabled Persons (Badges for Motor Vehicles) Regulations 1982.
TO THE HEAD OF CAPITAL DEVELOPMENT & WASTE MANAGEMENT
To trade permits, as and when required, through the Waste Management Earmarked Reserve to ensure the Council complies with the Landfill Allowance Trading Scheme.
To engage consultants in connection with waste disposal matters.
To take appropriate action for the provision of waste management facilities when it appears expedient to do so.
To take such urgent action as may be necessary to deal with any case of methane migration from landfill sites.
To authorise entry to land under Section 287 of the Public Health Act 1936 to ascertain suitability for waste disposal purposes.
To approve expenditure for recycling projects up to a cash limit of £1,000.
TO THE HEAD OF HIGHWAYS & TRAFFIC MANAGEMENT
To take all actions necessary and to authorise other officers as appropriate to serve notices and grant authorisations under the provisions of the Highways Act 1980.
To review periodically the charge for Public Path Orders and to apply such increases as may from time to time appear to be reasonable.
To approve the design and siting of bus shelters and settle terms of agreements for the removal of shelters and display advertisements.
To authorise street closures, signing, bunting in connection with street parties/official celebrations.
To authorise emergency closures, weight restrictions etc., on county bridges.
To implement small schemes costed at less than £25,000 in the Devon Local Transport Plan and to vary the programme as necessary in line with DLTP objectives, to maximise delivery.
To remove immediately unauthorised signs on/adjacent to the Highway and charge for such removal.
To make, in consultation with the appropriate Cabinet Member any change to operational procedures of the winter service policy/practice
TO THE HEAD OF SERVICES FOR COMMUNITIES
To negotiate agreements as required in respect of works of local relevance published by the library service.
To refuse to display or remove from display in public libraries any material deemed to be offensive to public taste or decency.
To make disbursements in accordance with the Council's Museums Policy and the Devon Museums Lifelong Learning Initiative.
To authorise expenditure on experiments, publicity, grants, subsidies, tendering and capital schemes in connection with Public Transport Support and Development.
To take all necessary action to comply with the Bus Service Tendering Regulations 1985.

To negotiate revenue payments with bus service operators for journeys on the approved network.	
To approve the Vehicle Replacement Programme for vehicle purchases for all Directorates after consultation with the Chief Finance Officer	
To plan and manage operational aspects of school transport and contract compliance.	
TO THE HEAD OF ECONOMY & ENTERPRISE	
To support projects involving applications for National Lottery Funds requiring LEA endorsement but without commitment to additional resources on behalf of the County Council.	
To assess eligibility of projects for external funding.	
To respond as matter of urgency to any invitations to the County Council to co-operate in an overseas development contract subject to the Council's interests being adequately protected.	
TO THE CHIEF TRADING STANDARDS OFFICER	
Appointed Chief Inspector of Weights and Measures for purposes of the Weights and Measures Act 1985.	
To exercise all the powers and duties of an authorised officer/inspector and to institute and conduct before a Magistrates Court any legal proceedings on behalf of the County Council as local Weights and Measures Authority and Food and Drugs Authority.	
To appoint and authorise officers/inspectors to carry out all relevant duties and exercise all appropriate powers in the performance of legislation enforced by the Trading Standards Service and, where appropriate, to institute and/or conduct any legal proceedings on behalf of the County Council in respect of the Trading Standards Service's legal responsibilities.	
To inspect, enter, investigate, enforce or institute legal proceedings in respect of the following Acts of Parliament or legislation made thereunder or any further legislation amending or re-enacting or extending the same:	
Accommodation Agencies Act 1953	Fraud Act 2006
Administration of Justice Act 1970	Gambling Act 2005
Agriculture Act 1970	Hallmarking Act 1973
Agriculture Produce (Grading and Marking) Act 1928	Health and Safety at Work Etc., Act 1974
Agriculture (Misc. Provisions) Act 1968	Housing Act 2004
Animal Health Act 1981	Insurance Brokers (Registration) Act 1977
Animal Health & Welfare Act 1984	Insurance Companies Act 1982
Animal Health Act 2002	Insolvency Act 1986
Animal Welfare Act 2006	Intoxicating Substances (Supply) Act 1985
Anti-Social Behaviour Act 2003	Knives Act 1997
Architects Act 1997	Law of Property (Misc Provisions) Act 1989
Banking Act 1987	Legal Services Act 2006
Broadcasting Act 1990	Licensing Act 2003
Building Act 1984	Magistrates Courts Act 1980
Cancer Act 1939	Malicious Communications Act 1988
Children & Young Persons (Protection from Tobacco) Act 1991	Medicines Act 1968
Charities Acts 1992 & 2006	Merchant Shipping Act 1979
Children and Young Persons Act 1933	Mock Auctions Act 1961
Clean Air Act 1993	Motor Cycle Noise Act 1987
Common Law	Motor Vehicles (Safety Equipment for Children) Act 1991
Communications Act 2003	Offshore Safety Act 1992
Companies Act 1985	Olympic Symbol etc., (Protection) Act 1995
Companies Act 2006	Patents, Designs and Marks Act 1986
Companies Consolidation (Consequential Provisions) Act 1985	Petroleum (Regulation) Acts 1928 and 1936
Companies Directors Disqualification Act 1986	Pesticides (Fees & Enforcement) Act 1989
Competition Act 1998	Poisons Act 1972
Consumer Credit Act 1974	Prices Acts 1974 & 1975
Consumer Credit Act 2006	Proceeds of Crime Act 2002
Consumer Protection Act 1987	Property Misdescriptions Act 1991
Consumers, Estate Agents & Redress Act 2007	Protections from Harassment Act 1997
Control of Pollution Act 1974	Protection of Animals Act 1911
Copyright, Designs and Patents Act 1988	Protection of Animals (Amendment) Acts 1954 & 1988
	Protection of Children (Tobacco) Act 1986

Courts and Legal Services Act 1990	Registered Designs Act 1949
Criminal Attempts Act 1981	Road Traffic Offenders Act 1988
Criminal Justices Act 1988	Road Traffic (Consequential Provisions) Act 1988
Criminal Law Act 1977	Road Traffic Foreign Vehicles Act 1972
Crossbows Act 1987	Road Traffic Acts 1988 & 1991
Dangerous Dogs Act 1989	Scotch Whisky Act 1988
Development of Tourism Act 1969	Solicitors Act 1974
Dogs Act 1906	Telecommunications Act 1984
Dogs (Amendment) Act 1928	Theft Acts 1968 & 1978
Education Reform Act 1988	Theft (Amendment) Act 1996
Employment Agencies Act 1973	Tobacco Advertising & Promotion Act 2002
Energy Act 1976	Timeshare Act 1992
Energy Conservation Act 1981	Trade Descriptions Act 1968
Enterprise Act 2002	Trade Marks Act 1994
Estate Agents Act 1979	Trading Stamps Act 1964
Environmental Protection Act 1990	Trading Representations (Disabled Persons) Acts 1958 & 1972
European Communities Act 1972	Trading Schemes Act 1996
Explosives Acts 1875 and 1923	Unsolicited Goods and Services Act 1971
Explosives (Age of Purchase) Act 1976	Unsolicited Goods and Services (Amendment) Act 1975
Fair Trading Act 1973	Vehicles (Excise) Act 1971
Farm and Garden Chemicals Act 1967	Video Recordings Acts 1984 & 1993
Fireworks Act 1951	Weights and Measures etc., Act 1976
Fireworks Act 1964	Weights and Measures Act 1985
Fireworks Act 2003	Welfare of Animals at Slaughter Act 1991
Food & Environment Protection Act 1985	
Food Safety Act 1990	
Forgery & Counterfeiting Act 1981	

TO THE HEAD OF PLANNING, TRANSPORTATION & ENVIRONMENT

To enter private land under the Mines and Quarries (Tips) Act 1969 to ensure stability of spoil tips.

To object to Traffic Commissioners and attend public inquiries relating to applications for Licences for Goods Vehicle Operators.

To administer the Advance Payment Code, the private street works procedure and the making of highway agreements arising from development proposals.

TO THE HEAD OF PLANNING, TRANSPORTATION & ENVIRONMENT AND/OR THE COUNTY SOLICITOR IN RESPECT OF DEVELOPMENT MANAGEMENT FUNCTIONS

Officer

1. Land Use Planning Functions

(a) In cases where an application stands to be decided by the County Council (a "County Matter" or County Council Development application) to approve the application without further reference to this Committee when the intended decision is in accordance with existing Development Plan policy and there are no significant objections from the appropriate District or Parish/Town Council. HoPTE

(b) In cases where an application stands to be decided by the County Council (a 'county matter') to refuse the application without further reference to the Development Management Committee where the application is clearly not in accordance with existing Development Plan Policy HoPTE

(c) To approve or refuse details reserved under an outline consent granted by the County Council subject to the intended decision raising no objection from the appropriate District or Parish Council; HoPTE

(d) To respond, on behalf of the County Council, to consultations by District Councils on planning applications, except:-

(i) cases which are not adequately covered by the policies or proposals of the Structure Plan;

(ii) cases where it is thought that a departure from the Structure Plan might be

	justified;	
(iii)	any other case which because of its nature, size, or significance is thought to require Committee consideration.	HoPTE
(e)	In all cases of development by a District Council which requires the County Council's response being given within a period of twenty-one days, to issue such comment within the required period; should there arise any conflict of view between that expressed by the County Council and the District Council, the case to be referred to Development Management Committee. A similar procedure shall be applied also to development by Government Departments and consultations with adjoining Local Planning Authorities;	HoPTE
(f)	To comment on proposals for the erection of overhead electricity supply lines below 132kv, where the proposed line is not in conflict with existing Development Plan policy;	HoPTE
(g)	To determine Applications for Certificates of Appropriate Alternative Development under Section 17 of the Land Compensation Act 1961, except where the land is to be purchased for County Council purposes;	HoPTE
(h)	To attend and give evidence at Public Inquiries, and in particular, where appropriate, to give evidence on behalf of the authority in the light of amended circumstances;	HoPTE
2.	Highway Planning Functions:	
(a)	To respond on behalf of the County Council to consultations by District Councils on planning applications except in a case which because of its nature, size or significance is thought to require Committee consideration.	HoPTE
(b)	To attend and give evidence at Public Inquiries, and in particular, where appropriate, to give evidence on behalf of the authority in the light of amended circumstances;	HoPTE
(c)	To object to the grant of a licence by the Traffic Commissioners for Goods Vehicle Operating Centres on environmental grounds and on the suitability of the site provided; subject to cases of unusual importance being referred to the Development Management Committee and the local County Councillor.	HoPTE
(d)	To respond to consultations from the Secretary of State in respect or proposals to stop up or divert a public highway under the Town & Country Planning Act 1990, subject to consultation with the local County Councillor and provided that proposals which appear to HoPTE to be major or controversial are referred to the Development Management Committee for consideration.	HoPTE
3.	To undertake in consultation with CS/HoPTE enforcement action in order to secure compliance with conditions attached to permissions.	CS and HoPTE
4.	To determine applications for certificates of lawful use and development under s191 and s192 of the Town & Country Planning Act 1990.	CS
5.	To execute agreements pursuant to s106 of the Town & Country Planning Act 1990 and related powers including Section 278 of the Highways Act 1980, where such arrangements are necessary to meet the requirements of HoPTE (including educational or social infrastructure), excepting cases which because of their nature, size and significance, are thought to require the Development Management Committee's consideration.	CS

6.	To make directions requiring an application for planning permission in respect of certain proposals for mineral exploration and removal of material from mineral working deposits (Directions under Article 7 of the General Permitted Development Order 1995);	CS or HoPTE
7.	To institute legal proceedings, to issue statutory notices and take all other related legal steps in connection with functions relating to town and country planning whether existing or future.	CS or HoPTE
8.	To issue screening opinions and offer scoping advice in respect of Environmental Impact Assessment requirements of "County Matter" and County Council Development Planning applications and Reviews of Old Mineral Planning permissions (ROMPs) — as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and the Amendment Regulations 2000.	HoPTE
9.	To apply for listed building consent, conservation area consent and any necessary related planning permission.	HoPTE or CS
10.	To process and issue consents under the Planning (Hazardous Substances) Act 1990 (where these relate to County Matters).	HoPTE
11.	County Council proposals under the Town and Country Planning General Regulations 1992:-	HoPE
	(a) To submit applications and carry out consultations and other procedures as appropriate.	HoPTE
	(b) To determine applications unless:	
	(i) there is objection to the proposed development from the relevant District or Parish Council.	
	(ii) the proposal is at variance with Development Plan policy.	
	(iii) HoPTE is responsible for any aspect of the management of any land or buildings to which the proposal relates; [where such development does not reflect the exceptions (i) and (ii) above, the County Solicitor is authorised to issue directions as appropriate.	HoPTE /CS
	(iv) Because of its nature, size or significance, the HoPTE in consultation with the Chairman of the Development Management Committee deems it requires Committee consideration (for example, a new school or significant redevelopment/extension scheme).	
12.	To exercise functions under the Environment Act 1995 Section 96 and Schedules 13 and 14 relating to the review of old mineral permissions and the periodic review of minerals planning permissions provided that issues which appear to HoPTE to be major or controversial are referred to Committee for consideration.	HoPTE
<p><i>The Head of Planning and Environment will not exercise delegated powers in respect of the determination of County Matters or County Council Development planning applications, or ROMPs without prior notification to the local County Council member pursuant to the procedures agreed by the former Development Control Committee on 23 January 2001 [Minute 221* refers].</i></p>		

TO EITHER THE HEAD OF HIGHWAYS & TRAFFIC MANAGEMENT OR COUNTY SOLICITOR IN RESPECT OF HIGHWAYS AND TRAFFIC ORDERS FUNCTIONS

To advertise and/or implement all Traffic Orders after consultation with the Chairman of the relevant HATOC and local County Councillor(s) in line with the agreed '*Processes for Implementation of the Local Transport Plan*' submitted to HATOCs, from time to time.

To advertise Gateway Orders after consultation with elected members as outlined in the processes for implementation of the Local Transport Plan and to implement such Orders where there have been no objections

To make temporary traffic regulation orders.

To grant consents, approvals, licences and minor property rights in connection with operations on under over or adjacent to the highway.

To protect the rights of the public to use highways safely.

To implement matters required by an agreement under section 106 of the Town and Country Planning Act 1990 where the cost of the work is to be met by the developer.

To consult on the schemes on the agreed priority list in conjunction with local members prior to bringing forward the schemes for formal approval as necessary.

To receive petitions and undertake consequent investigations/actions thereon as they may relate to Traffic Orders, the administration of the Advance Payment Code, the private street works procedure and the making of highway agreements arising from development proposals.

To institute, defend and conduct any legal proceedings, criminal or civil or any process before any court or other tribunal in connection with highway matters and to settle any claim.

To authorise the entry onto land for the purpose of survey or to maintain any structure on, over or under such land.

To make improvements within or adjoining the highway up to a value of £25,000 (works) including land acquisition within specific allocations made to projects in the approved works list, all maintenance works and markings.

To express a technical view when consulted by other organisations on minor issues such as Pavement Cafe licences and to take any necessary administrative action in connection therewith.

Section Four - Locality Budgets Operating Principles

General Guidance

Each Member of the County Council is allocated an annual budget to be applied within the 'operating principles' approved by the Council's Cabinet as set out below. It is a matter for each Member to determine how his/her budget is allocated subject to a number of overriding principles to ensure financial probity, value for money and accountability. Members are encouraged to be proactive in considering the kinds of activity which would most benefit their areas, rather than waiting to be lobbied by active local groups.

Locality Budgets Operating Principles

The use of such funds is likely to vary from one area to another, in part reflecting the diverse nature of Devon's communities. Furthermore, there are some parts of Devon in which various external funding designations mean there are different possibilities for matched funding (e.g. the Objective 2 area).

A decision should be backed by evidence of need to ensure that the project seeking support cannot be easily funded from another source (the principle of "investor of last resort") and should demonstrate:

- consistency with (and be not contrary to) the council's current policies,
- evidence of value for money (perhaps measured in part by match-funding leverage secured),
- evidence of proper procurement practices,
- transparency and accountability, and
- the extent to which the investment encourages or triggers partnership working.

A Member may choose to allocate funds jointly with another Member or to 'pool' a proportion of his/her budget with a like amount by other Members of a County Committee, acting jointly.

Areas for which the locality budget may not be used:

Funding of individuals.

Reinstating a cut in a county council service or activity arising from an earlier policy decision of the County Council or other public body excepting where any one-off funding is required to mitigate the immediate impact of any such service reduction where a creative alternative solution has been found that in other respects meets the operating principles, provided also that there is no commitment upon the Council or Member to provide ongoing support.

Ongoing yearly commitments, unless specifically agreed by the Cabinet in advance.

Approval and Monitoring of Allocations

County Community and Strategy Officers can provide support and guidance on ensuring that the principles of this scheme are met when decisions to invest are made.

Provisional allocations by individual members will be submitted to the next meeting of the relevant Locality (County) Committee for endorsement together with, on a regular basis, a cumulative statement of allocations made by members. Where, for reasons of urgency, determination of an application cannot be delayed until the next meeting and it does not warrant the convening of a special meeting then the decision may be taken by the Chairman or Vice-Chairman of the Locality (County) Committee in accordance with paragraph 12.1 of Part 3 of the Constitution.

Any allocation shall be dependent upon the recipient(s) formally agreeing to spend the funding on the activity/scheme specified in the application form, return any unspent monies

and provide the relevant Member(s) with a simple statement of how the funding has benefited the organisation and/or local community so that Members are able to identify the success, or otherwise, of the funding granted.

Carry forward of unallocated funds

The present practice of the Council is to allow carry forwards in members' locality budgets from one year to the next.

Members Interests

It will sometimes happen that a member has a personal or even a prejudicial interest in an organisation or project he or she wishes to support. There is no reason why that organisation/project should automatically be excluded for that reason. Indeed, a member can make a recommendation to the Chairman of the Locality (County) Committee which indicates the extent of his or her interest. The Chairman will make a funding decision in the light of this submission.