

## **DERBYSHIRE COUNTY COUNCIL**

**19 September 2012**

### **Report of the Director of Legal Services**

#### **Amendments to the Constitution - Specific Delegations to Chief Officers**

##### **1. Purpose of the Report**

To seek approval to make amendments to the delegations to the Strategic Director of Environmental Services set out in the Council's Constitution.

##### **2. Information and Analysis**

Part C of the Appendix to Part 3 of the Council's Constitution (pages 80-89) sets out specific delegations to Chief Officers.

The list of delegations has recently been reviewed to ensure that it remains up to date and that functions are dealt with at the appropriate level.

There are a number of routine functions dealt with by the Environmental Services Department which currently have to be referred to the Cabinet Member for Highways & Transport because they are not included in the list of delegations which could be more appropriately be dealt with by the Strategic Director. This would enable such matters to be dealt with more quickly and would improve service delivery.

It is recommended that the following be added to the list of specific delegations to the Strategic Director of Environmental Services:-

- |        |  |
|--------|--|
| SDES36 | To revoke prescribed improvement lines and prescribed building lines under sections 73 and 74 of the Highways Act 1980 (improvement and building lines prescribe the width of streets and the frontage lines for buildings and may be removed when they are no longer necessary or desirable). |
| SDES37 | To authorise enforcement action orders under sections 143, 149 and 164 of the Highways Act 1980 (these orders require the removal of structures and deposits from highways and the removal of barbed wire from adjoining land).  |
| SDES38 | To approve the rescinding of new street orders made under section 159 of the Highways Act 1959 (this enables the highway authority to secure land for highway improvements where building operations are taking place adjacent to an existing highway).  |
| SDES39 | To approve applications to site objects on highway land such as noticeboards or signs made under section 115E of the Highways Act 1980.  |

- SDES40 To authorise development on land under section 219(4)(e) of the Highways Act 1980 (this section enables an authority to exempt a development from the requirement to pay a sum in certain circumstances).
- SDES41 To approve the adoption of privately maintainable highways or streets under Sections 37, 38 and 228 of the Highways Act 1980 so that the highways or streets become maintainable by the Council at public expense.
- SDES42 To authorise the erection, alteration, maintenance or removal of structures (including raised paving, pillars, walls, rails, fences or barriers) on highways, bridleways or footpaths under Section 66 of the Highways Act 1980.
- SDES43 In consultation with the appropriate Cabinet Member, to award Greenwatch Action Grants.
- SDES44 To accept grants up to £50,000 in respect of projects undertaken by the Environmental Services Department.
- SDES45 To respond to consultations received relating to applications to stop up or divert sections of highway under section 247 of the Town and Country Planning Act 1990 where it is necessary for the purpose of enabling a development to be carried out in accordance with planning permission or as specified by a government department.

In accordance with good practice, the Cabinet Member and local Members will be kept appropriately informed of decision making in respect of the above.

### **3. Legal Considerations**

Changes to the Constitution may only be approved by the full Council after consideration of the proposals by the Standards Committee. These proposals were considered by the Standards Committee on 24 August 2012 and were commended to the Council.

### **4. Financial Considerations**

The additional delegated powers would allow a more rationalised decision making process leading to improved efficiencies in service delivery.

### **5. Other Considerations**

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health and transport considerations.

**6. Background Papers**

Files held by the Director of Legal Services and the Strategic Director of Environmental Services.

**7. Officer recommendation**

That the Council approves the amendments to the list of specific delegations to the Strategic Director of Environmental Services as set out in the report.

**John McElvaney  
Director of Legal Services**