

By: Mr Eric Hotson, Cabinet Member for Corporate and Democratic Services
Benjamin Watts - Monitoring Officer

To: County Council – 21 March 2019

Subject: Functions Delegated by the Council to Officers - Amendments and Updates

Classification: Unrestricted

Summary: The County Council is recommended to consider approving a revised and updated Schedule of Council Functions (Appendix 2 Part 3 of the Constitution).

1. Introduction

- (a) This report requests that the County Council consider changes to Appendix 2 Part 3 of the Constitution as set out in this report. As these are functions of the Council delegated by the Council to Committees and Officers, it will be necessary for any amendments to these delegations to be formally approved by the County Council.
- (b) These changes are marked in the Appendix to this report.

2. Proposed Changes

- (a) Most of the changes bring the entries up to date in line with changes to legislation and regulations to ensure users of the Constitution can make the relevant references where needed. Others are minor typographical updates.
- (b) The following Schedule entries (A20, C13 and C14), refer to powers which exist in statute, but which have not been formally recorded in the Schedule previously.
 - i. (A20) Power to act as a statutory planning consultee for major development with surface water drainage as the Lead Local Flood Authority – under Paragraph. (ze) of Schedule 4 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (SI 2015/595) – To be delegated to the Director of Environment, Planning and Enforcement
 - ii. (C13) Preventing surface water from flowing on to the highway – under Section 100 of the Highways Act 1980 –To be delegated to the Director of Highways, Transportation and Waste

iii. (C14) The adoption of small pieces of highway where the land owner is KCC or unknown or when works have been carried out – under Section 228 of the Highways Act 1980 – To be delegated to the Director of Highways, Transportation and Waste.

- (c) Entry B6, relating to the storage of celluloid, has been deleted because the legislation underpinning it has been repealed on the grounds that it was no longer needed to control health and safety risks which are now covered elsewhere.

3. Recommendation:

That the County Council approve the revised and updated Schedule of Council Functions (Appendix 2 Part 3 of the Constitution) as set out in Appendix A to the report.