

PART 3

RESPONSIBILITY FOR FUNCTIONS

January 2024

PART 3 RESPONSIBILITY FOR FUNCTIONS

Introduction – Local Government Acts 1972 and 2000

1. Responsibility for discharging the functions of the Council rests with the Leader and Cabinet except for those functions, which are specified in The Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) as not being the responsibility of the Council's executive. These functions specified in the Regulations, for example, development control and licensing, remain the responsibility of the Council. The Regulations also specify a number of functions which may be (but need not be) the responsibility of the Cabinet (the determination of appeals for example). Responsibility for those functions is down to local choice.

Functions, which are the responsibility of the Leader and Cabinet, can be discharged by the Leader or the Cabinet collectively, or by a committee of the Cabinet, or by any individual Cabinet Member (Portfolio Holder) or by any individual officer of the Council.

Those functions, which remain the responsibility of the Council, can be discharged through committees or sub-committees or by any individual officer of the Council.

The Council is required to set out in its Constitution the following information concerning the allocation (or delegation) of responsibility for functions:

- (a) who is responsible for "local choice functions",
- (b) a description of the functions of the Cabinet which, for time being, are exercisable by individual Cabinet Portfolio Holders stating the name of the Cabinet Member by whom it is exercisable,
- (c) a description of those powers of the Cabinet which for the time being are exercisable by an officer of the Council stating the title of the officer by whom the power is exercisable,
- (d) a description of the terms of reference of the committees or sub-committees appointed by the Council for the purpose of discharging those functions for which it still has responsibility,
- (e) a description of those powers which have been delegated by the Council, or by a committee or sub-committee, to be exercisable by an officer of the Council stating the title of the officer

Interpretation

2. In this Part all references to the title of an officer by whom a specified power is exercisable shall include reference to any officer who has been appointed to act in that capacity on an interim basis during the vacancy in that post. 'Chief Officer' means the holder for the time being of any of the following posts: Chief Executive; Strategic Director (Corporate and

Commercial Services), Strategic Director (Place), Strategic Director (People and Transformation), Strategic Director (Housing and Property Services) and Strategic Director (Neighbourhood Services)

3. References to an Act of Parliament, statutory provision or statutory instrument include a reference to that Act of Parliament, statutory provision or statutory instrument as amended, extended or re-enacted from time to time and to any regulations made under it;

Delegation of Powers

4. Every officer designated in this Part is authorised to act on behalf of and in the name of the Council in those matters shown as delegated to him or her.
5. The powers delegated under this Part shall be exercised in accordance with any requirements in the Council's Constitution and the necessary financial provision having been made in the approved budget.
6. Any power delegated by this Part to the Chief Executive may, during the absence of the Chief Executive, or during his or her inability to act for any other reason, or during the vacancy in the post of Chief Executive, be exercised by any other Chief Officer.
6. An officer empowered under this Part to exercise delegated power in respect of any matter may authorise the exercise of that power by such other officers as he or she may deem appropriate for the proper performance of the work. Any authorisation given under this provision must be recorded in writing and a copy supplied to the Assistant Director (Legal and Democratic Services). Any exercise of a delegated power in such manner shall be expressed to be on behalf of the officer specified in this Part, who shall remain responsible for the act of his or her appointee.

1. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

<u>Function</u>	<u>Who is responsible</u>
1. The determination of an appeal against any decision made by or on behalf of the Council	The Appeals Committee
2. The conducting of Best Value reviews	The Cabinet will oversee the conduct of Best Value reviews but may commission a Task and Finish Group to run the reviews who will report their recommendations to the relevant Overview and Scrutiny Committees prior to it being reported to Cabinet

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| 3. | Any function relating to contaminated land | The Cabinet |
| 4. | The discharge of any function relating to the control of pollution or the management of air quality | The Cabinet |
| 5. | The service of an abatement notice in respect of a statutory nuisance | The Cabinet |
| 6. | The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Council's area | The Cabinet |
| 7. | The Inspection of the Council's area to detect any statutory nuisance | The Cabinet |
| 8. | The investigation of any complaint as to the existence of a statutory nuisance | The Cabinet |
| 9. | The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land | The Council |
| 10. | The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 | The Cabinet |
| 11. | Making agreements for the execution of highway works | The Cabinet |
| 12. | The appointment of any individual: | The Council |
| | (a) To any office other than an office in which he is employed by the Council; | |
| | (b) To any body other than: | |
| | (i) The authority; | |

(ii) A joint committee of
two or more
authorities; or

(c) To any committee or sub-
committee of such a body

and the revocation of any such
appointment.

(d) The appointment of an
officer to an external company

Chief Executive in consultation with
the Leader of the Council

13. The making of agreements with
other local authorities for the
placing of staff at the disposal
of those other authorities.

The Cabinet

2. RESPONSIBILITY FOR COUNCIL FUNCTIONS

2.1 The Regulatory Committees of the Council

- 2.1.1 The “Regulatory Committees of the Council” are politically proportionate Committees appointed for the purpose of discharging those functions, which are not the responsibility of the Cabinet. They comprise of:

The Development Management Committee
The Licensing and Health & Safety Enforcement Committee
The Licensing and Health & Safety Enforcement Sub Committee
The Licensing of Alcohol & Gambling Sub Committee
The Appeals and Reviews Committee
The Audit Committee

- 2.1.2 The Appeals Committee has a variable membership which will be chosen from a pool of members appointed by the Council and who have received relevant training.

- 2.1.3 A Member of the Cabinet is permitted to be a member of any Regulatory Committee but shall not attend any committee meeting which is hearing an appeal or review against a decision which is made by a service which falls within their Portfolio.

- 2.1.4 The Chairmen, Vice Chairmen and Members of the Regulatory Committees are appointed by full Council.

2.2 Development Management Committee

- 2.2.1 Shall comprise of 14 members of the Council.

- 2.2.2 Shall meet in accordance with the cycle of meetings approved annually by the Council.

- 2.2.3 Terms of Reference

The functions of the Development Management Committee shall be to exercise all powers of the Council relating to:

- (i) Town and country planning and development control (except matters relating to the review, alteration or approval of the Development Plan)
- (ii) The protection and preservation of trees
- (iii) The protection and preservation of hedgerows

- (iv) The various powers relating to public rights of way contained in the Highways Act 1980, which have been delegated to the Council by Hertfordshire County Council as the Highway Authority, under an Agency Agreement. These include the powers to protect and assert public rights of way, including powers to create, divert or stop up footpaths, bridleways and byways
- (v) Complaints about high hedges
- (vi) The authorisation of all allied enforcement action.

2.3 Delegation to Officers from Development Management Committee

POWER OR FUNCTION	TO WHOM DELEGATED
DETERMINATION OF APPLICATIONS	
2.3.1 The making of decisions or representations on all planning and other applications falling to be considered by the Borough Council as local planning authority.	Assistant Director (Planning), Head of Development Management, Development Management Team Managers and Assistant Team Managers or the Specialist Services Team Managers.

The above authority to include:

- the disposal of applications in accordance with Article 40 (13) of the Town and Country Planning (Development Management Procedure) (England Order) Order 2015
- the service of Building Preservation Notices pursuant to Section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- the authority to make applications for spot listing to the Department of Culture, Media and Sport or any successor Department.

- the making, varying or revoking of Tree Preservation Orders (including confirmation where there are no objections)
- the making of decisions on all planning applications falling to be considered by the Borough Council as local planning authority where there is a deadline under statute or regulation after which planning permission, prior approval or consent is deemed to be granted
- authority to enter into agreements under S.106 Town and Country Planning Act 1990 required in connection with Development Consent Orders or any other application or appeal determined by the Secretary of State or any S.106 agreement required to secure mitigation measures connected to the Conservation of Habitats and Species Regulations 2017 (as amended) where the development has previously been granted planning permission.

2.3.2 The following matters are excluded from delegation under paragraph 2.3.1:

- (1) Decisions on proposals other than householder developments*, which would have the effect, either cumulatively or otherwise of granting permission, consent or other approval for matters previously refused by the Development Management Committee
- (2) Decisions on proposals which any Borough Councillor representing the ward within which the application site is situated, or the Chairman, Vice-Chairman of the Development Management Committee or Portfolio Holder for Planning and Regeneration has, within a time period of no more than 28 days from public consultation commencement or date of the advertisement of the application,

requested should be reported to the Development Management Committee and where that request is made in writing and supported with material planning reasons save that:

- a) in the event of a public re-consultation following amendment or amendments to an application any Borough Councillor representing the ward within which the application site is situated, or the Chairman, Vice-Chairman of the Development Management Committee or Portfolio Holder for Planning and Regeneration may, within a time period of no more than 14 days from commencement of the public re-consultation, request the application should be reported to the Development Management Committee but only where that request is made in writing and relates purely to the amended element or elements and is supported with material planning reasons.
- b) Excluded from the call-in power referred to in 2.3.2(2) above are all planning applications falling to be considered by the Borough Council as local planning authority where there is a deadline under statute or regulation after which planning permission, prior approval or consent is deemed to be granted

POWER OR FUNCTION DETERMINATION OF APPLICATIONS

- (3) Decisions (other than those relating to applications for lawful development certificates, applications for approval required by condition or under the provisions of a Tree Preservation Order, all planning applications falling to be considered by the Borough Council as local planning authority where there is a deadline under statute or regulation after which planning permission, prior approval or consent is deemed to be granted notifications for the removal of

hedgerows and works to trees in Conservation Areas) on proposals where a Town or Parish Council expresses a contrary view (either to object or to support) to that of the Assistant Director (Planning) and Head of Development Management where that contrary view is submitted in writing and supported with material planning reasons.

- (4) Decisions on large scale major development* proposals to be determined by the Council as local planning authority which are linked either to an existing agreement pursuant to s.52 of the Town and Country Planning Act 1971 or s.106 of the Town and Country Planning Act 1990 or to an existing or proposed planning obligation under s.106 of the Town and Country Planning Act 1990 (as substituted by s.12 of the Planning and Compensation Act 1991). Applications recommended for refusal do not fall within into this category.
- (4(a)) Decisions on proposals seeking variations to existing legal agreements made either within 5 years or under Section 106A of the Town and Country Planning Act 1990 unless (in the opinion of the Assistant Director (Planning) or the Head of Development Management they are considered to be minor variations.
- (5) Decisions on major proposals* or proposals where there is any objection submitted in writing and supported by material planning reasons for the construction of new buildings or the change of use of existing buildings either submitted by or on behalf of the Borough Council or affecting land or buildings in which the Borough Council has an interest. Decisions on minor material and non –material amendments to approved proposals are not included within this exclusion.

POWER OR FUNCTION DETERMINATION OF APPLICATIONS

- (6) Decisions on proposals (other than those relating to applications for lawful development certificates, applications for approval required by condition or under the provisions of a Tree Preservation Order, applications under Part 6 of Schedule 2 to the Town and Country Planning General Permitted Development Order 1995 or notifications for the removal of hedgerows and works to trees in Conservation Areas) submitted by or on behalf of either Borough Councillors or members of staff.
- (7) Decisions on proposals which, in the opinion of the Assistant Director (Planning) or the Head of Development Management are of significant public interest, would have a significant impact on the environment, or should otherwise be reported to the Development Management Committee

ENFORCEMENT OF PLANNING CONTROL

- 2.3.3 The making of decisions on all enforcement matters falling to be considered by the Borough Council as local planning authority
- Assistant Director (Planning), Head of Development Management, Development Management Team Managers and Assistant Team Managers, the Specialist Services Team Managers or the Assistant Team Manager (Planning Enforcement)

The above authority to include but not be limited to:

- Service of an enforcement notice pursuant to S.172 Town and Country Planning Act 1990
- Service of an enforcement notice relating

to a listed building pursuant to s S.38 Planning (Listed Buildings and Conservation Areas) Act 1990

- Service of a stop notice pursuant to s.183 Town and Country Planning Act 1990
- Service of temporary stop notice pursuant to S.171E Town and Country Planning Act 1990
- Injunctions to prevent unauthorised development
- Prosecutions under Town and Country Planning Act 1990 and Planning (Listed Buildings and Conservation Areas) Act 1990

All enforcement action under 2.3.3 to be reported on a quarterly basis to Development Management Committee

The following matters are excluded from delegation under paragraph 2.3.3:

- (1) Decisions on whether to vary or withdraw proceedings previously authorised by the Development Management Committee.

DEALING WITH APPEALS

2.3.5 The making of decisions on all matters (including settling the case to be made) in relation to the conduct of appeals to which the Borough Council as local planning authority is a party.

Assistant Director (Planning), Head of Development Management, Development Management Team Managers and Assistant Team Managers or the Specialist Services Team Managers

POWER OR FUNCTION

TO WHOM
DELEGATED

DETERMINATION OF APPLICATIONS

PROCEDURAL MATTERS

2.3.6 The making of decisions on all Assistant Director

procedural and administrative matters (including the adoption of a screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999) falling to be considered by the Borough Council as local planning authority.

(Planning), Head of Development Management, Development Management Team Managers and Assistant Team Managers or the Specialist Services Team Managers

2.3.7 The following matters are excluded from delegation under paragraph 2.3.6:

- (1) Confirmation or modification of a Tree Preservation Order where any objections and representations have been duly made and not withdrawn.
- (2) The making of a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 in relation to parts 6, 7, 11, 17, 19, 20, 21-24, 26, 30 and 31 of Schedule 2 (other than in cases where the Assistant Director (Planning) or the Head of Development Management in consultation with the Assistant Director (Legal and Democratic Services), considers urgent action is necessary).
- (3) Decisions to defer from consideration applications which have been included in the agenda for a meeting of the Development Management Committee.
- (4) Any matter relating to the preparation of the Local Development Framework, and the designation or alteration of conservation areas.

* Definitions

Householder: Householder developments are defined as those within the curtilage of a house which require an application for planning permission and are not a change of use. Included in householder developments are extensions, conservatories, loft conversions, dormer windows, alterations, garages, car ports or outbuildings, swimming pools, walls, fences, domestic vehicular access including footway crossovers, porches and satellite dishes. Excluded from householder development are any work relating to a flat(s), applications to change the number of dwellings (flat conversions, building a separate house in the garden), changes of use to part of all of the property to non-residential (including business) uses, anything outside the garden of the property (including stables if in a separate paddock)

Large Scale Major Development: For dwellings, a large-scale major development is one where the number of residential units to be constructed is 200 or more. Where the number of residential units to be constructed is not given in the application a site area of 4 hectares or more should be used as the definition of a large-scale major development. For all other uses a large-scale major development is one where the floorspace to be built is 10,000 square metres or more, or where the site area is 2 hectares or more

Major Development: For dwellings, a major development is one where the number of residential units to be constructed is 10 or more. Where the number of residential units to be constructed is not given in the application a site having an area of 0.5 hectares or more should be used as the definition of a major development. For all other uses a major development is one where the floorspace to be built is 1000 square metres or more, or a change of use of floorspace of 1000 square metres or more.

POWER OR FUNCTION

TO WHOM
DELEGATED

DETERMINATION OF APPLICATIONS

HIGHWAYS

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| 2.3.8 To confirm unopposed orders for the stopping-up, diversion, reclassification and addition to the Definitive Map of footpaths, bridleways and byways. | Assistant Director
(Legal and Democratic Services)) |
| 2.3.9. The discharge of the Council's powers relating to highways and public rights of way contained in the Highways Act 1980, the Acquisition of Land Act 1981, the Wildlife and Countryside Acts 1981 and The Countryside and Rights of Way Act 2000, the Cycle Tracks Act 1984, the Housing Act 1981 and the Town and Country Planning Act 1990 unless otherwise specified elsewhere in this Part. | Strategic Director
(Neighbourhood Operations) and Head of Neighbourhood Management |

HIGH HEDGES

Part 8 Anti-social Behaviour Act 2003

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| 2.3.10 The making of decisions on all matters falling to be considered by | Assistant Director
(Legal and |
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| | the Council under s.68 (procedure for dealing with complaints), s.69 (remedial notices), s.70 (withdrawal or relaxation of requirements of remedial notices) | Democratic Services) |
| 2.3.11 | The power to authorise persons to enter land for the purposes of complaints to and appeals under s.74. | Assistant Director (Legal and Democratic Services) |
| 2.2.12 | The power to authorise proceedings under s.75 (offences). | Assistant Director (Legal and Democratic Services) |
| 2.3.13 | The power to authorise persons to enter land for the purposes of taking required action under s.77. | Assistant Director (Legal and Democratic Services) |
| 2.3.14 | The power to authorise the recovery of expenses under s.77. | Assistant Director (Legal and Democratic Services) |

2.4 The Licensing and Health and Safety Enforcement Committee:

- 2.4.1 Shall comprise of 13 members of the Council.
- 2.4.2 Shall meet on an ad hoc basis when summoned by the Assistant Director (Legal and Democratic services) to deal with matters specified on the Agenda.
- 2.4.3 Terms of Reference
- The functions of the Licensing and Health and Safety Enforcement Committee shall be:
- (i) to fulfil the role of the licensing committee of the Council in its capacity as a licensing authority under section 6 of the Licensing Act 2003 and section 154 of the Gambling Act 2005, and
 - (ii) to exercise all the powers of the Council relating to the grant, renewal, refusal, variation, cancellation, or imposition of conditions upon any licence or authorisation which the Council has a power or duty to issue, including the following:
 - Hackney carriages and private hire vehicles, drivers and operators

- Sale and supply of alcohol, regulated entertainment and late night refreshment (Licensing Act 2003)
- Non remote gambling by way of betting, gaming or lotteries (Gambling Act 2005)
- Sex shops, sex cinemas and sexual entertainment venues
- Animal welfare related establishments
- Food safety
- Caravan sites, camping sites and moveable dwellings
- Street trading
- Charitable collections
- Acupuncture, tattooing, piercing and electrolysis
- The registration of persons or premises in pursuance of other public health, safety or related functions
- Any other licensing matter as may from time to time require determination by the Council.

- (iii) to exercise all the powers of the Council relating to the setting of fees and charges, policies (where not otherwise prohibited) and guidance for the above mentioned authorisations.
- (iv) to exercise all the functions relating to health and safety under any “relevant statutory provision” within the meaning of Part I of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council’s capacity as employer.

2.5 Scheme of Delegation to Officers (From the Licensing and Health and Safety Enforcement Committee)

POWER OR FUNCTION	TO WHOM DELEGATED
Food Safety	
2.5.1 To register and issue licences in respect of premises used or to be used for the purposes of a food business (S.19 Food Safety Act 1990 and the appropriate Regulations)	Strategic Director (Neighbourhood Operations) and Head of Regulatory Services
2.5.2 To grant licences authorising the use of	Strategic Director (Neighbourhood

special milk designations (S.18(2) Food Safety Act 1990 and the appropriate Regulations)	Operations) and Head of Regulatory Services
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2.5.3 To register hawkers of food and their premises	Assistant Director (Legal and Democratic Services), Strategic Director (Neighbourhood Operations) and Head of Regulatory Services
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Hackney Carriage and Private Hire Vehicles

2.5.4 To grant and renew vehicle and driver licences in respect of hackney carriages and private hire vehicles on the Council's relevant Standard Conditions in accordance with the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services
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2.5.5 Power to grant variations or exemptions to the Council's Standard Conditions subject to a right of appeal against a refusal to grant an exemption or variation to the Committee.	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services)
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2.5.6 To grant or renew private hire operators' licences	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services
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2.5.7 To inspect and test a licensed vehicle under section 68 of the Local Government (Miscellaneous Provisions) Act 1976, and to suspend a vehicle's license under that section where the officer was not satisfied as to the fitness of the vehicle or the accuracy of the taximeter on inspection or test thereof, until such time as any defects have been rectified to the satisfaction of the officer.	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services)
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2.5.8a To suspend hackney carriage and private hire drivers' licences in accordance with the provisions of S.50 of the Town Police	Assistant Director (Legal and Democratic Services), Head of
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Clauses Act 1847 and S.61 of the Local Government (Miscellaneous Provisions) Act 1976	Legal and Democratic Services
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2.5.8b	To suspend a vehicle's licence under section 60 of the Local Government (Miscellaneous Provisions) Act 1976, on the grounds that the vehicle is unfit for use as a hackney carriage or private hire vehicle	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services
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2.5.8c	To suspend or revoke a vehicle's licence, a driver's licence, or an operator's licence with immediate effect under section 60, 61 or 62 of the Local Government (Miscellaneous Provisions) Act 1976 respectively, on any of the grounds thereunder, following consultation with the chair or vice-chair of the Licensing, Health, Safety and Enforcement Committee	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services
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2.5.8d	To inspect and test a licensed vehicle under section 68 of the Local Government (Miscellaneous Provisions) Act 1976, and to suspend a vehicle's licence under that section where the officer was not satisfied as to the fitness of the vehicle or the accuracy of the taximeter on inspection or test thereof, until such time as any defects have been rectified to the satisfaction of the officer	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services
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2.5.9	To approve the display of advertisements on the outside or inside of a hackney carriage	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services
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Charitable/Street Collections

2.5.10	To issue licences for house to house collections in the Borough	Assistant Director (Legal and Democratic Services) Head of Legal and Democratic Services
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2.5.11	To deal with applications for the use of public precincts for meetings, street collections or similar purposes.	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services
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2.5.13	To grant permits for street collections and to exercise the Council's other powers under relevant regulations.	Assistant Director (Legal and Democratic Services Head of Legal and Democratic Services
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Street Trading Consents

2.5.13	(1) To grant consents and impose conditions upon consents to trade in streets in the Borough (other than prohibited streets) under the Local Government (Miscellaneous provisions) Act 1982	Assistant Director (Legal and Democratic Services Head of Legal and Democratic Services
	(2) To authorise designated employees of the Council to be proper officers for the purpose of enforcing the street trading provisions	Assistant Director (Legal and Democratic Services Head of Legal and Democratic Services
	(3) To institute proceedings in respect of contravention of street trading consents and street trading in prohibited streets under the provisions of the Local Government (Miscellaneous Provisions) Act 1982	Assistant Director (Legal and Democratic Services Head of Legal and Democratic Services

Animals

2.5.14	To act as the Council's Licensing Officer for the grant (including determining the length and risk rating of licences where relevant), variation, refusal, and revocation of licences under the following enactments (and any subordinate legislation made or deemed to be made thereunder):	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services)
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Relating to Animals: The Animal Welfare Act 2006

Dangerous Wild Animals Act 1976

The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018
Zoo Licensing Act 1981

To institute proceedings in respect of any offence committed under the following enactments (and any subordinate legislation made or deemed to be made thereunder)

Assistant Director
(Legal and Democratic Services), Head of Legal and Democratic Services

Dangerous Wild Animals Act 1976

Zoo Licensing Act 1981

Animal Welfare Act 2006

Relating to theatres, entertainments, etc:

Hypnotism Act 1952

- 2.5.15 To act as the Council's Licensing Officer and to grant, vary or revoke licences (including the giving of consents to requests for variations to licence conditions) under the following enactments (and any subordinate legislation made or deemed to be made thereunder) where:

Assistant Director
(Legal and Democratic Services), Head of Legal and Democratic Services)

- (1) there is no objection to the grant of a licence AND
- (2) the character or antecedents of the applicant are either not an issue or are not in doubt AND
- (3) all formalities have been duly complied with AND
- (4) the Licensing Officer has no other reason to refer the matter to the Council's Licensing and Health and Safety Enforcement Committee for determination

- 2.5.16 **Local Government (Miscellaneous**

Assistant Director

Provisions) Act 1982: Part II and Schedule 3 (sex establishments)

(Legal and Democratic Services)

Relating to Caravan and Camping Sites

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| 2.5.17 | To make all decisions/determinations serve notices and authorise the taking of any necessary action in pursuance of the Council's licensing and enforcement responsibilities (including, but not limited to, the service of notices and orders, imposing civil penalties, arranging for the carrying out of remedial works, the recovery of expenses and the keeping of registers of licences and orders) and all other duties or powers which the Council may have in accordance with the following statutory provisions and any orders or regulations made thereunder: | Assistant Director (Legal and Democratic Services), Strategic Director (Neighbourhood Operations) and Head of Regulatory Services |
| 2.5.18 | Caravan Sites Control of Development Act 1960 | Assistant Director (Legal and Democratic Services), |
| 2.5.19 | Mobile Homes Act 2013 | Assistant Director (Legal and Democratic Services)), |
| 2.5.20 | Under or in relation to any of the enactments specified in paragraphs 2.5.15 and 2.5.20 above and the subordinate legislation referred to therein, and in accordance with S.223 Local Government Act 1972 to act as authorised Officer of the Council, to inspect premises, to authorise the institution of proceedings in a Magistrates' Court and to appear in any proceedings instituted by the Council | Assistant Director (Legal and Democratic Services) |
| Sunday Trading | | |
| 2.5.21 | To appoint by an instrument in writing Inspectors for the purposes of the Sunday Trading Act 1994 | Assistant Director (Legal and Democratic Services) |

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| 2.5.22 | To authorise the institution of legal proceedings for offences under the Sunday Trading Act 1994 | Assistant Director
(Legal and Democratic Services) |
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Health and Safety at Work

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| 2.5.23 | To exercise the powers of the Council under S.19 Health and Safety at Work, etc Act 1974: | Strategic Director
(Neighbourhood Operations) and Head of Regulatory Services |
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(1) To appoint by an instrument in writing signed by him or her persons as Inspectors for the purposes of the 1974 Act, being persons having suitable qualifications;

(2) To specify in the instrument of appointment which of the following powers are to be exercisable by each of the persons so appointed:

(a) the powers of an Inspector specified in:

(i) SS.20, 21, 22 and 25 of the 1974 Act;

(ii) the provisions of the Acts mentioned in Schedule 1 to the 1974 Act which are specified in the third column of that Schedule and of the Regulations, Orders or other instruments of a legislative character made or having effect under any provision so specified, as in force from time to time;

(b) to authorise the institution of proceedings in England and Wales pursuant to S.38 of the 1974 Act.

(3) to terminate any appointment so made whether by him or her or another

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| 2.5.24 | To authorise another person to accompany an Inspector of Health and Safety on any inspection, examination or investigation under the Health and Safety at Work, etc Act 1974 | Strategic Director
(Neighbourhood Operations) and Head of Regulatory Services |
| 2.5.25 | To provide general legal representation on behalf of Inspectors appointed by the Council in relation to matters covered by the Health and Safety at Work, etc Act 1974 | Assistant Director
(Legal and Democratic Services) |
| 2.5.26 | To transfer or assign responsibility for enforcement of the Health and Safety at Work etc Act 1974 to or from the Health and Safety Executive in cases where the responsibility is uncertain or where one authority is more appropriate for enforcement. | Strategic Director
(Neighbourhood Operations) and Head of Regulatory Services |

Tattooing/Acupuncture/Piercing/Electrolysis

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| 2.5.27 | To register persons carrying on the practice of acupuncture, or the business of tattooing, piercing, or electrolysis, and their premises (SS.14 & 15 Local Government (Miscellaneous Provisions) Act 1982) | Assistant Director
(Legal and Democratic Services) |
| 2.5.28 | To authorise the institution of proceedings for offences under s.16 of the Local Government (Miscellaneous Provisions) Act 1982 | Assistant Director
(Legal and Democratic Services) |
| 2.5.29 | To authorise officers to inspect premises under s.17 Local Government (Misc Provisions) Act 1982 | Assistant Director
(Legal and Democratic Services), |
| 2.5.30 | To authorise the administration of formal cautions in appropriate circumstances | Assistant Director
(Legal and Democratic Services, Head of Legal and Democratic Services) |

Highways (Provision of services, amenities, etc)

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| 2.5.31 | To grant permission for provision, etc of services, amenities, recreation and | Assistant Director
(Planning)) |
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refreshment facilities on a highway, and related powers. (Sections 115E, 115F and 115K of the Highways Act 1980)

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| 2.5.32 | To publish notice in respect of proposal to grant permission under Section 115E of the Highways Act 1980 (Section 115G Highways Act 1980) | Assistant
(Planning) | Director |
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Licensing Act 2003

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|--------|---|--|----------|
| 2.5.33 | To make representations on behalf of the licensing authority in its capacity as a responsible authority in respect of applications under sections 17, 29, 34, 41A, 51, 53A, 71, 84, 86A, 87 or 167 of the Licensing Act 2003. | Assistant
(Legal and Democratic Services),
Head of Legal and Democratic Services | Director |
| 2.5.34 | To apply for the review of a premises licence under section 51 of the Licensing Act 2003 on behalf of the licensing authority in its capacity as a responsible authority, and make appropriate supporting representations at the resulting committee hearing. | Assistant
(Legal and Democratic Services),
Head of Legal and Democratic Services) | Director |
| 2.5.35 | To apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 on behalf of the licensing authority in its capacity as a responsible authority, and make appropriate supporting representations at the resulting committee hearing | Assistant
(Legal and Democratic Services),
Head of Legal and Democratic Services) | Director |

Gambling Act 2005

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|--------|---|--|----------|
| 2.5.36 | To make representations on behalf of the licensing authority in its capacity as a responsible authority in respect of applications under sections 159, 187, 188, 195, 197, 200 or 204 of the Gambling Act 2005. | Assistant
(Legal and Democratic Services),
Head of Legal and Democratic Services | Director |
| 2.5.37 | To apply for the review of a premises licence under section 197 of the Gambling Act 2005 on behalf of the licensing authority in its capacity as a responsible authority, and make appropriate supporting representations at the resulting committee hearing. | Assistant
(Legal and Democratic Services),
Head of Legal and Democratic Services | Director |

- 2.5.38 To initiate reviews of premises licences of a particular class under section 201 of the Gambling Act 2005 on behalf of the licensing authority, and make appropriate supporting representations at the resulting committee hearing(s). Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services

2.6 Delegation to the Licensing and Health and Safety Enforcement Sub-Committee:

- 2.6.1. The Licensing and Health and Safety Enforcement Committee has appointed a Sub-Committee comprised of 7 members which shall meet in accordance with the cycle of meetings approved annually by the Council or when summoned by the Assistant Director (Legal and Democratic Services) to deal with matters specified on the agenda.

2.6.2 Terms of reference

To carry out any of the functions relating to the determination of applications, the conditions applied to authorisations, or exemptions from the Council's standard policies, which may otherwise be carried out by the Licensing and Health and Safety Enforcement Committee, except for those functions otherwise delegated to the Licensing of Alcohol and Gambling Sub Committee, contained within the Licensing Act 2003 and the Gambling Act 2005.

2.7 Delegation to the Licensing of Alcohol and Gambling Sub-Committee

- 2.7.1 The Licensing of Alcohol and Gambling Sub-Committee is an ad hoc Sub-Committee with a membership of 3 members chosen from the 12 members of the full Committee and summoned by the Assistant Director (Legal and Democratic Services) to deal with the licensing matters specified on the Agenda. A meeting of the Sub-Committee shall not be quorate if less than three members are present.
- 2.7.2 The Sub-Committee shall have the delegated power from the full Committee to deal with the following licensing matters, and in all cases the Sub Committee may take any of the steps for the determination of those matters as may be set out in the relevant legislative provisions so indicated:

Licensing Act 2003

- 2.7.3 Determination of an application for a premises licence where relevant representations have been made and not withdrawn (s.18).
- 2.7.4 Determination of an application for a provisional statement where relevant representations have been made and not withdrawn (s.31)
- 2.7.5 Determination of an application to vary a premises licence where relevant representations have been made and not withdrawn (s.35)
- 2.7.6 Determination of an application to specify a designated premises supervisor on a premises licence where an objection notice has been given and not withdrawn (s.39)
- 2.7.7 Determination of an application to transfer a premises licence where an objection notice has been given and not withdrawn (s.44)
- 2.7.8 Cancellation of an interim authority notice where an objection notice has been given and not withdrawn (s.48)
- 2.7.9 Determination of an application for review of a premises licence (s.52)
- 2.7.10 Determination of an application for summary review of a premises licence (s.53C), and setting of interim steps pending review (s.53B)
- 2.7.11 Determination of application for a club premises certificate where relevant representations have been made and not withdrawn (s.72)
- 2.7.12 Determination of application to vary a club premises certificate where relevant representations have been made and not withdrawn (s.85)
- 2.7.13 Determination of an application for review of a club premises certificate (s.88)
- 2.7.14 Issue of a counter-notice following an objection to a standard temporary event notice (s.105)
- 2.7.15 Imposition of conditions on a standard temporary event notice following an objection (s.106A)

- 2.7.16 Determination of application for grant of a personal licence, where an objection notice has been given and not withdrawn (s.120)
- 2.7.18 Consideration of convictions coming to light after grant or renewal of a personal licence, where an objection notice has been given and not withdrawn (s.124)
- 2.7.19 Determination of a review of a premises licence following a closure order and magistrates' court notification (s.167)
- 2.7.20 Imposition of restrictions on dancing and live music, on review of a premises licence or club premises certificate (s.177, s.177A)
- 2.7.21 Decision to make representation when the authority is consulted on a premises licence application by a neighbouring licensing authority

Gambling Act 2005

- 2.7.22 Determination of application for a premises licence where representations have been made and not withdrawn, or where it is proposed to attach an additional condition or exclude a default condition (s.163, s. 169)
- 2.7.23 Determination of application to vary a premises licence where representations have been made and not withdrawn, or where it is proposed to attach an additional condition or exclude a default condition (s.187)
- 2.7.24 Determination of application to transfer a premises licence where representations have been made and not withdrawn, or where it is proposed to attach an additional condition or exclude a default condition (s.188)
- 2.7.25 Determination of application to reinstate a premises licence where representations have been made and not withdrawn, or where it is proposed to attach an additional condition or exclude a default condition (s.195)
- 2.7.26 Determination of a review of a premises licence (s.201)
- 2.7.27 Determination of application for a provisional statement where representations have been made and not withdrawn, or where it is proposed to attach an additional condition or exclude a default condition (s.204)
- 2.7.28 Issue of counter-notice following receipt of a notice of objection in respect of a temporary use notice (s.224)

- 2.7.29 Dismissal of objections given in respect of temporary use notices (s.225)
- 2.7.30 Refusal of application for a family entertainment centre gaming machine permit, or for renewal of an existing permit (Sched. 10)
- 2.7.31 Refusal of application for registration for the promotion of small society lotteries, or revocation of registration (Sched. 11, part 5)
- 2.7.32 Determination of applications for a club machine permit or club gaming permit, where objections have been made and not withdrawn, or consideration of the cancellation of permits (Sched. 12)
- 2.7.33 Refusal of application for a licensed premises gaming machine permit, grant for lesser/lower number of machines than requested, or cancellation or variation of permit (Sched. 13)
- 2.7.34 Refusal of transfer of licensed premises gaming machine permit (by virtue of refusal of an application for transfer of an alcohol licence)
- 2.7.35 Refusal of application for a prize gaming permit, or for renewal of an existing permit (Sched. 14)

2.8 DELEGATION TO OFFICERS FROM LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

Licensing Act 2003

	MATTER TO BE DEALT WITH	TO WHOM DELEGATED
2.8.1	Application for a personal licence where no police objection is made and the applicant has no unspent convictions	Assistant Director (Legal and Democratic Services)
2.8.2	Application for a premises licence/club premises certificate where there are no relevant representations made	Assistant Director (Legal and Democratic Services)
2.8.3	Application for a provisional statement (where premises being built, etc) where there are no relevant representations made	Assistant Director (Legal and Democratic Services)

2.8.4	Application to vary a premises licence/club premises certificate where there are no relevant representations made	Assistant Director (Legal and Democratic Services)
2.8.5	Application for a provisional statement (where premises being built, etc) where there are no relevant representations made	Assistant Director (Legal and Democratic Services)
2.8.6	Application to vary designated premises supervisor where there is no police objection	Assistant Director (Legal and Democratic Services)
2.8.7	Request to be removed as designated premises supervisor	Assistant Director (Legal and Democratic Services)
2.8.8	Application for a transfer of a premises licence where there is no police objection	Assistant Director (Legal and Democratic Services)
2.8.9	Applications for an interim authority where there is no police objection	Assistant Director (Legal and Democratic Services)
2.8.10	A decision on whether a complaint is irrelevant, frivolous, vexatious, etc	Assistant Director (Legal and Democratic Services)

Rights of Entry for the following purposes

2.8.11	The inspection of premises before the grant, variation or review of a licence or a provisional statement	Assistant Director (Legal and Democratic Services)
2.8.12	To investigate whether a licensable activity is being carried on in accordance with an authorisation	Assistant Director (Legal and Democratic Services))
2.8.13	To assess the likely effect of a temporary event notice on the promotion of the crime prevention objective in the Council's Licensing Policy	Assistant Director (Legal and Democratic Services)

Authorised persons

2.8.14	To act as 'authorised persons' for the purposes of the Licensing Act 2003.	Assistant Director (Legal and Democratic Services) together with any one or more of his/her staff who he/she so authorises
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Gambling Act 2005

	MATTER TO BE DEALT WITH	TO WHOM DELEGATED
2.8.15	Application for premises licence where no representations received/representations have been withdrawn.	Assistant Director (Legal and Democratic Services)
2.8.16	Application for a variation to a licence where no representations received/representations have been withdrawn.	Assistant Director (Legal and Democratic Services)
2.8.17	Application for a transfer of a licence where no representations received from the Gambling Commission.	Assistant Director (Legal and Democratic Services)
2.8.18	Application for a provisional statement where no representations received/representations have been withdrawn.	Assistant Director (Legal and Democratic Services)
2.8.19	Application for club gaming/club machine permits where no objections made/objections have been withdrawn	Assistant Director (Legal and Democratic Services)
2.8.20	Applications for other permits	Assistant Director (Legal and Democratic Services)
2.8.21	Cancellation of licensed premises gaming machine permits	Assistant Director (Legal and Democratic Services)
2.8.22	Consideration of temporary use notice	Assistant Director (Legal and Democratic Services)
2.8.23	Fee setting (when appropriate)	Assistant Director (Legal and Democratic Services)

2.9 The Appeals and Reviews Committee

2.9.1 The Appeals and Reviews Committee is an ad hoc committee with a membership of 5 members of the Council chosen from a pool of Members appointed by the Council who have received appropriate training and summoned by the Assistant Director (Legal and Democratic Services) to deal with matters specified on the Agenda.

2.9.2 Terms of Reference

The function of the Appeals and Reviews Committee is to hear and determine all appeals and reviews with regards to

any decision made by or on behalf of the Council in relation to the following matters:

- (i) The determination of appeals brought by employees against dismissals resulting from redundancy, misconduct, ill-health and capability.
- (ii) To consider any objections and representations that have been duly made, in respect of a Tree Preservation Order and to confirm or modify any such Order.
- (iii) The determination of appeals against decisions made in relation to discretionary rate relief.

2.10 Audit Committee

2.10.1 Shall comprise of 6 members of the Council.

2.10.2 The Audit Committee shall meet a minimum of 4 times a year and in accordance with the cycle of meetings approved annually by the Council.

2.10.3 Terms of Reference

The functions of the Audit Committee shall be to exercise the audit powers of the Council in relation to:

External Audit:

- (i) 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 governance arrangements.
- (ii) To consider summaries of specific Internal Audit reports as requested.
- (iii) To consider reports dealing with the management and performance of the providers of Internal Audit Services
- (iv) To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale.
- (v) To consider the External Auditor's Annual Letter, relevant reports, and the report to those charged with governance.
- (vi) To consider specific reports as agreed with the External Auditor

- (vii) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (viii) To liaise with the Public Sector Audit Appointments (PSAA LTD) over the appointment of the Council's external auditor.
- (ix) To commission work from Internal and External Audit.

Regulatory Framework:

- (x) To maintain an overview of the Council's Constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour.
- (xi) To review any issue referred to it by the Chief Executive, Chief Finance Officer, Strategic Director, or any Council body.
- (xii) To monitor the Governance and Risk arrangements within the Council.
- (xiii) To monitor council policies on 'Raising Concerns at Work' and 'Anti-fraud and corruption'.
- (xiv) To oversee the production of the Council's Annual Governance Statement and to formally agree it.
- (xv) The Council's arrangements for governance and agreeing necessary actions to ensure compliance with best practice.
- (xvi) The Council's compliance with any relevant legislation and its own and other published, policies standards and controls.

Accounts

- (xvii) 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.
- (xviii) To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.

Support

- (xix) In order that the Audit Committee can exercise its audit powers properly it may require any senior officer to attend before the Audit Committee to answer questions within their remit and it is the duty of those persons to attend if so required".

3. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

- 3.1 Executive functions are grouped together in the form of 'Cabinet Portfolios', the number and scope of which are agreed by the Leader.
- 3.2 The Leader may discharge any of those executive functions which are the responsibility of the Leader and Cabinet, or may arrange for the discharge of any of those functions by the Cabinet, by another member of the Cabinet, by a committee of the Cabinet, or by an officer of the Council.
- 3.3 The Leader is responsible for allocating responsibility for the Cabinet Portfolios among the individual members of the Cabinet. The Leader will allocate the Cabinet Portfolios on an annual basis. The table at Schedule 1 below sets out which Cabinet Member is currently responsible for each particular Portfolio. Schedule 1 also shows the relevant Directorate(s) in respect of each Portfolio.
- 3.4 The delegation of executive functions from the Leader and Cabinet to Chief Officers is set out in Schedule 2.
- 3.5 The onward delegation of executive functions from Chief Officers to other officers is set out in Schedule 3.
- 3.6 If or to the extent that the functions which are the responsibility of the Leader and Cabinet are not allocated under Schedule 1, the Leader may discharge any of those functions or may arrange for their discharge by the Cabinet collectively, or by a committee of the Cabinet, or by an individual Cabinet Member or by an officer of the Council.
- 3.7 Any function allocated under Schedule 1 to an individual Cabinet Member may, during the absence of that Cabinet Member, or during his or her inability to act for any other reason, or during the vacancy of that Cabinet position, be exercised by the Leader.

CABINET PORTFOLIOS AND DIRECTORATES

SCHEDULE 1

PORTFOLIO RESPONSIBILITIES	OVERVIEW & SCRUTINY	LEAD OFFICERS
<p>Climate Change Cllr Adrian England</p> <p>Climate Change</p>	<p>Principally: Finance & Resources</p>	<p>Strategic Director (People and Transformation)</p> <p>Head of Transformation</p>

PORTFOLIO RESPONSIBILITIES	OVERVIEW & SCRUTINY	LEAD OFFICERS
<p>Portfolio Holder for Corporate and Commercial Services</p> <p>Councillor Ron Tindall</p> <p>Corporate and Commercial Services Financial Services Revenues and Benefits Legal and Democratic Services Licensing</p> <p>Commercial Strategy and Programme Commercial and Capital Project Delivery oversight Procurement Contract Management Strategic Asset Review Shared Services exploration (corporate approach) General Fund and Commercial Property (including community assets)</p>	<p>Principally FINANCE & RESOURCES Audit Committee Standards Committee Licensing Committee</p>	<p>Strategic Director (Corporate and Commercial Services) Strategic Director (People & Transformation) Strategic Director (Housing and Property Services)</p> <p>Chief Finance Officer (S.151 Officer) Assistant Director Legal and Democratic Services (Monitoring Officer)</p> <p>Assistant Director (Property Services) Assistant Director (Strategic Housing and Delivery) Head of Commercial Development</p>

PORTFOLIO RESPONSIBILITIES	OVERVIEW & SCRUTINY	OFFICER SUPPORT
<p>Portfolio Holder for Neighbourhood Operations: Councillor Robin Bromham</p> <p>Environmental Services Fleet Services Waste Transformation Garden Waste Commercial Waste Depot Services Refuse and Recycling</p> <p>Neighbourhood Management Clean Safe and Green Parks and Open Spaces Trees and Woodlands Cemeteries and Bereavement services Parking Services Garage Management</p> <p>Environmental Protection Corporate Health Safety and Resilience Environmental Health Operations and Public Health</p>	<p>Principally STRATEGIC PLANNING AND ENVIRONMENT</p>	<p>Strategic Director (Neighbourhood Operations)</p> <p>Head of Environmental Services Head of Regulatory Services Head of Neighbourhood Management Head of Corporate Health and Safety</p>

PORTFOLIO RESPONSIBILITIES	OVERVIEW & SCRUTINY	OFFICER SUPPORT
<p>Portfolio Holder for Housing and Property Services:</p> <p>Councillor Simy Dhyani</p> <p>Housing Operations and Safe Communities HRA Housing Management Housing Needs and Allocations General Fund Accommodation Services Safe Communities Private Sector Housing Homeless Prevention Asylum and Refugees</p> <p>Strategic Housing and Delivery Strategy Quality and Assurance Investment and Project Delivery Housing Delivery</p> <p>HRA Property Services Safe Homes Asset Management Commercial Housing Contracts</p> <p>General Fund Property Services Compliance Responsive repairs and key to key services Valuation and Estates Building Services and Facilities Management</p>	<p>Principally, HOUSING & COMMUNITY</p>	<p>Strategic Director (Housing and Property Services)</p> <p>Assistant Director (Strategic Housing and Delivery) Assistant Director (Housing Operations and Safe Communities) Assistant Director (Property)</p> <p>Head of Housing Operations Head of Safe Communities Head of Strategy, Quality and Assurance Head of Investment and Delivery Head of Safe Homes Head of Asset Management Head of Commercial Housing Contracts</p>

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PORTFOLIO RESPONSIBILITIES	OVERVIEW & SCRUTINY	OFFICER SUPPORT
<p>Portfolio Holder for Place</p> <p>Councillor Sheron Wilkie</p> <p>Planning Development Management Land Charges Planning Enforcement Strategic Planning Infrastructure/ Developer Contributions</p> <p>Place & Enterprise Inward Investment Economic Growth Place Strategies</p> <p>Communities Community Partnerships & VCS liaison Arts and Culture & Old Town Hall Theatre Adventure Playgrounds Sports and Leisure/Health</p> <p>Partnership Programmes Hemel Garden Communities SW Herts JSP</p>	<p>Principally, STRATEGIC PLANNING & ENVIRONMENT</p>	<p>Strategic Director (Place)</p> <p>Assistant Director (Planning) Asistant Director (Place, Communities & Enterprise) Heads of Arts and Culture Head of Place Strategy and Delivery Head of Communities Head of Development Management Hemel Garden Communities Programme Director SW Herts Joint Strategic Plan Director</p>

PORTFOLIO RESPONSIBILITIES	OVERVIEW & SCRUTINY	OFFICER SUPPORT
<p>Portfolio Holder for People and Transformation Councillor Carole Weston</p> <p>People (HR, OD and Equality and Diversity) Digital Transformation Performance and complaints CSU Project Management Office Corporate Governance Communications and Engagement Civic Events</p>	<p>Principally, FINANCE AND RESOURCES</p>	<p>Strategic Director (People and Transformation)</p> <p>Assistant Director (People) Head of Digital Head of Communications and Engagement Head of Transformation</p>

SCHEME OF DELEGATION FROM THE CABINET TO CHIEF OFFICERS

PART 1

Overall Basis

- 1.1 In relation to delegation of powers and duties generally the Council has approved, as part of its Executive Arrangements, the following broad principles for determining the distribution of decisions within the Council's political management structure:
- (i) Major strategic/policy decisions and regulatory issues (e.g. development control and licensing) are made or dealt with by full Council or a Committee of the Council.
 - (ii) Strategic/policy issues are dealt with by full Cabinet.
 - (iii) Major operational issues are dealt with by individual Cabinet Members.
 - (iv) Straightforward operational issues are dealt with by officers at an appropriate level of seniority.
 - (v) Matters for information only should be distributed to all Members via a separate regular information bulletin (including performance management information).
- 1.2 This Scheme delegates the functions of the Cabinet to officers and should be interpreted widely rather than narrowly.
- 1.3 This Scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation, including appointment and dismissal of staff and authorising the affixing of the Common Seal.
- 1.4 This Scheme operates under the Local Government Act 2000 ("the Act") and all other powers enabling the Council.
- 1.5 None of the provisions contained in this Scheme which delegates the exercise of powers or duties to officers prevent the Cabinet from exercising those powers or duties.
- 1.6 This Scheme can be amended, varied, temporarily amended for specified purposes or revoked by the Cabinet at any time.

Overall Limitations

- 1.7 This Scheme does not delegate to officers:
- (i) Any matter which is not the responsibility of the Cabinet by virtue of the Act, any Regulations made thereunder or the Executive Arrangements adopted by the Council.
 - (ii) The power to make new policy or amend any policy which has been adopted by the Council or the Cabinet.
 - (iii) The power to exceed the provision of capital and revenue budgets for their services except insofar as authorised by the Council's Financial Regulations or Procurement Standing Orders.
 - (iv) Any other matter which is specifically excluded in this Scheme.
- 1.8 Officers shall exercise delegated powers in accordance with:
- (i) The provisions of legislation, in particular the requirements of the Act and Regulations made thereunder in respect of the taking and recording of Key Decisions;
 - (ii) The provisions of the Constitution and Executive Arrangements adopted by the Council;
 - (iii) The requirements of Sections 1.10-1.16 below in respect of consultation with Members.
 - (iv) Policies approved by the Council or the Cabinet;
 - (v) Instructions from the Chief Executive as Head of Paid Service.
- 1.9 In exercising delegated powers, officers shall have regard to any report by the Head of the Paid Service or the Monitoring Officer under Sections 4 and 5 of the Local Government and Housing Act 1989 or of the Chief Finance Officer under Section 114 of the Local Government Finance Act 1988.

Consultation with Members

- 1.10 Before taking any decision on behalf of the Council, an officer must consider whether to involve Members.
- 1.11 If the matter is a straightforward operational issue (e.g. a purely routine technical or professional matter) which is not controversial in any way, Members will not need to be involved.

- 1.12 If the matter has local significance, but no general significance for the Council and no controversial aspects, the officer shall inform the Ward Member(s) in writing and proceed. **It is essential that officers ensure that Ward Members are kept properly informed on issues affecting their Wards.**
- 1.13 If the matter has general significance for the Council or is, or is likely to be, controversial, the officer shall consult with the relevant Cabinet Member before proceeding. In some cases it will be necessary to consult more than one Cabinet Member, and in some cases the Leader will need to be consulted.
- 1.14 Consultation may be in writing but officers must allow sufficient time for the consultee to respond before a decision is taken.
- 1.15 A consultee may ask that other Members' views be sought, including those of the Ward Member(s).
- 1.16 If the Cabinet Member concurs with the officer's proposed course of action, the officer may proceed.

Further Provisions

- 1.17 This Scheme includes the power for officers to further delegate in writing all or any of the delegated functions to other officers (described by name or post) either fully or under the general supervision and control of the delegating officers. Sub-delegations shall be recorded in a register kept by the Assistant Director (Legal and Democratic Services). Sub-delegations may be made across strategic departmental boundaries and to other Councils and their officers.
- 1.18 Wherever possible officers shall devolve responsibilities for service delivery and management (whether or not involving sub-delegation under this Scheme) to the nearest practicable point to the service user and in a way, which clearly identifies accountabilities.
- 1.19 It shall always be open to an officer not to exercise his/her delegated powers but to refer the matter to the Cabinet for decision.
- 1.20 In exercising delegated powers, officers shall consult with such other officers as they determine appropriate and shall have regard to any advice given.
- 1.21 The Scheme delegates to the holder of each post named in it the management of the resources made available for the duties of the post as specified in the terms of the post-holder's appointment.

PART 2

Delegation to Officers of the Council

- 2.1 This Part of the Scheme describes which functions of the Cabinet have been allocated to individual officers of the Council.
- 2.2 It is important that this Part of the Scheme is read in conjunction with the provisions in Part 1 which set out the limitations and constraints placed on officers when exercising these delegated powers and duties.

A. TO THE CHIEF EXECUTIVE

- (a) To be responsible for all aspects of operational management of the Council.
- (b) To authorise, after consultation with the Leader of the Council, twinning arrangements.
- (c) To incur expenditure, and grant funding to any external organisation or Council contractor as the Chief Executive deems appropriate, in the event of a civil emergency. The Chief Executive will report all expenditure and funding made pursuant to this delegation to the next available Cabinet and Council meeting.
- (d) To manage the co-ordination of budget processes, including overall strategy, planning and information.
- (f) To approve Special Severance payments of £20,000 and above, but below £100,000, subject to agreement with the Leader of the Council, and consultation with S.151 Officer and Monitoring Officer, and agree the terms of any associated Settlement Agreements.
- (g) To approve all early retirements and redundancies, subject to an assessment on Best Value and consultation with the Monitoring Officer and S.151, and to report on a six-monthly basis to the relevant Cabinet Portfolio holder on the use made of this power.
- (h) To approve funding for interim resource to deliver corporate priorities subject to a budget being approved in accordance with the Council's Financial Regulations and to report all expenditure and funding on a six-monthly basis to the relevant Cabinet Portfolio holder on the use made of this power.
- (i) All operational matters in relation to civil aid and emergency planning.
- (j) In cases of urgency, after consultation with the Leader of the Council and the relevant Cabinet Member, to take any decision which could be taken by the Cabinet.

Note: The Chief Executive is Head of Paid Service.

B. TO THE STRATEGIC DIRECTOR (CORPORATE AND COMMERCIAL SERVICES)

- (a) The functions of the Cabinet in relation to operational matters falling within the Corporate and Commercial Services) Directorate as shown in the table below

Commercial	Corporate
Commercial Strategy and Programme Corporate Project Delivery Procurement Contract Management	Financial Services Revenues and Benefits Legal and Democratic Services Elections and Electoral registration Licensing

- (b) Except for:
- (i) Grants to external organisations of above £2,000 per annum.
 - (ii) Any relevant income and charging strategies.
 - (iii) Major restructuring proposals.
- (c) To make recommendations on the above service areas as follows:
- (i) On major operational decisions – to the relevant individual Cabinet Member.
 - (ii) On strategic or policy issues – to the Cabinet.

- (ii) On major strategic issues – to the Council.

C. TO THE STRATEGIC DIRECTOR (NEIGHBOURHOOD OPERATIONS)

- (a) The functions of the Cabinet in relation to operational matters falling within the Neighbourhood Operations Directorate, as shown in the table below.

<p>Environmental Services Fleet Services Waste Transformation Garden Waste Commercial Waste Depot Services Refuse and Recycling</p> <p>Neighbourhood Management Clean Safe and Green Parks and Open Spaces Trees and Woodlands Cemeteries and Bereavement services Parking Services Garage Management</p>	<p>Environmental Protection Corporate Health Safety and Resilience Environmental Health Operations and Public Health</p>
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Except for:

- (i) Grants to external organisations of above £2,000 per annum.
 - (ii) Any relevant income and charging strategies.
 - (iii) Major restructuring proposals.
- (b) To make recommendations on the above service areas as follows:
 - (i) On major operational decisions – to the relevant individual Cabinet Member.
 - (ii) On strategic or policy issues – to the Cabinet.
 - (iii) On major strategic issues – to the Council.

D. TO THE STRATEGIC DIRECTOR (PLACE)

- (a) The functions of the Cabinet in relation to operational matters falling within the Place Directorate, as shown in the table below.

Property Services Valuation and Estates Building Services and Facilities Management Community Assets Regeneration Property function Partnership Programmes Hemel Garden Communities SW Herts Joint Strategic Plan Communities Community Partnerships Arts and Culture Adventure Playgrounds	Planning Development Management Land Charges Planning Enforcement Strategic Planning Infrastructure/ Developer Contributions Place & Enterprise Inward Investment Economic Growth Place Strategies
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Except for:

- (i) Grants to external organisations of above £2,000 per annum.
 - (ii) Any relevant income and charging strategies.
 - (iii) Major restructuring proposals.
- (b) To make recommendations on the above service areas as follows:
- (i) On major operational decisions – to the relevant individual Cabinet Member.
 - (ii) On strategic or policy issues – to the Cabinet.
 - (iv) On major strategic issues – to the Council.
- (c) Development Plan Documents

To respond on behalf of the Council to any representations made in respect of the Core Strategy or a Development Plan Document which has been submitted to the Secretary of State, except that, the Leader of the Council shall be responsible for responding on behalf of the Council where there are major planning policy issues

involved and/or major changes to a Development Plan Document are being suggested by officers.

(d) Strategic Environmental Assessments

To make determinations on behalf of the Council as local planning authority as required under regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 as to whether or not a plan, programme or modification of a description referred to therein is likely to have significant environmental effects.

The Strategic Director (Place) will be responsible:

- (i) To initiate apply and/or act in relation to the provisions of the Derelict Land Act 1982.
- (ii) To commission, initiate and/or review ground stabilisation works as are necessary in relation to Council land and/or its statutory or public obligations.

E. TO THE STRATEGIC DIRECTOR (PEOPLE AND TRANSFORMATION)

- (a) The functions of the Cabinet in relation to operational matters falling within the People and Transformation Directorate, as shown in the table below.

People and Transformation People (Human Resources, Occupational Development and Equality and Diversity) Digital Transformation Performance Customer Services Unit Project Management Office Corporate Governance Communications and Engagement Events	
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Except for:

- (i) Grants to external organisations of above £2,000 per annum.
 - (ii) Any relevant income and charging strategies.
 - (iii) Major restructuring proposals.
- (b) To make recommendations on the above service areas as follows:

- (i) On major operational decisions – to the relevant individual Cabinet Member.
- (ii) On strategic or policy issues – to the Cabinet.
- (v) On major strategic issues – to the Council.

F. TO THE STRATEGIC DIRECTOR (HOUSING AND PROPERTY SERVICES)

- (a) The functions of the Cabinet in relation to operational matters falling within the Housing and Property Directorate, as shown in the table below.

<p>Housing Operations and Safe Communities HRA Housing Management Housing Needs and Allocations General Fund Accommodation Services Safe Communities Private Sector Housing Homeless Prevention Asylum and Refugees</p> <p>Strategic Housing and Delivery Strategy Quality and Assurance Investment and Project Delivery Housing Delivery</p> <p>HRA Property Services Safe Homes Asset Management Commercial Housing Contracts</p> <p>General Fund Property Services Compliance Responsive repairs and key to key services Valuation and Estates Building Services and Facilities Management</p> <p>Development Services Housing development Capital project delivery</p>	
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Except for:

- (i) Grants to external organisations of above £2,000 per annum.
- (ii) Any relevant income and charging strategies.
- (iii) Major restructuring proposals.
- (b) To make recommendations on the above service areas as follows:
 - (i) On major operational decisions – to the relevant individual Cabinet Member.
 - (ii) On strategic or policy issues – to the Cabinet.
 - (vi) On major strategic issues – to the Council.

G. TO THE CHIEF FINANCE OFFICER

- (a) To be responsible to the Council for ensuring that appropriate advice is given to it on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control.
- (b) To manage the Council's banking arrangements.
- (c) To manage the Council's Borrowing and Lending Portfolio.
- (d) To implement national and local pay awards and increase payments under the Pension Increase Acts.
- (e) To manage the Council's insurance arrangements.
- (f) To manage the Council's Leased Car and Car Loan Scheme.
- (g) To agree the writing-off of debts of any value where the debtor has gone into liquidation or bankruptcy
- (h) To review, in consultation with the relevant Portfolio Holder, the monetary value thresholds for accepting credit card payments and where commission charges may be added to service costs for non-statutory services.
- (i) To set and monitor the Internal Audit Programme

Note: The Chief Finance Officer is the S.151 Officer

H. TO THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

- (a) To be responsible for ensuring that agreed procedures are followed and that all applicable statutes, regulations and other relevant statements of good practice are complied with.
- (b) To authorise the institution, defence, withdrawal or compromise of any claims or legal proceedings, civil or criminal.
- (c) To authorise officers of the Council to appear in the Crown and Magistrates Courts and County Courts.
- (d) To take decisions as Proper Officer of the Council except where legislation or this scheme names another officer and to authorise the making and issue of any formal documents.
- (e) To be the Senior Information Risk Officer for the purposes of compliance with the Council's responsibilities under the Data Protection Act in relation to information security.
- (f) To be the Senior Responsible Officer for the purposes of compliance with the Council's policies and procedures on the use of covert surveillance and the use of covert human intelligence sources and with the requirements of the Regulation of Investigatory Powers Act 2000 and the Codes of Practice made thereunder.
- (g) To be the delegated person for instituting Proceeds of Crime investigations under the Proceeds of Crime Act 2002 on behalf of the Council (whilst the Council's enforcement officers shall be delegated as investigating officers).

Note: the Assistant Director (Legal and Democratic Services) is the Council's Monitoring Officer

SCHEDULE 3

SCHEME OF ONWARD DELEGATION FROM CHIEF OFFICERS TO OTHER OFFICERS

A. FROM THE CHIEF EXECUTIVE

POWER OR FUNCTION	TO WHOM DELEGATED
1. To control the salaries and wages budget	Each Member of Corporate Leadership Team
2. To make appointments and promotions within the authorised establishment other than Chief Officer.	Each Member of Corporate Leadership Team
3. To make temporary appointments	Each Member of Corporate

	additional to the authorised establishment.	Leadership Team
4.	To suspend an employee from duty or to take other appropriate action in accordance with the approved procedures for conduct and capability	Each Member of Corporate Leadership Team
5.	To dismiss an employee	Each Member of Corporate Leadership Team
6.	To authorise in-service training including day release, study leave and financial assistance in accordance with national and local agreements	Each Member of Corporate Leadership Team
7.	To authorise the attendance of employees at training courses, qualification courses and other development events	Each Member of Corporate Leadership Team
8.	To grant special leave with pay for extraneous duties (e.g. acting as Justice of the Peace, or Jury Service) or arising out of the illness or death of a near relative	Each Member of Corporate Leadership Team
9.	To grant leave of absence without pay	Each Member of Corporate Leadership Team
10.	To authorise employees, in exceptional circumstances, to carry forward annual leave from one year to the next	Each Member of Corporate Leadership Team
11.	To authorise attendance by employees at conferences, seminars and the like concerning their duties	Each Member of Corporate Leadership Team
12.	To authorise the payment of installation costs of telephones in the homes of employees where this is considered necessary in the performance of their jobs, and telephone rentals and business calls where justified	Chief Officers
13.	To approve bonus schemes and methods of remunerating employees of like effect subject to equal value considerations	Strategic Leadership Team
14.	To authorise the granting of leave with pay (additional to normal entitlement) to	Each Member of Corporate Leadership Team

employees attending annual camps associated with service in non-regular forces

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| 15. | To implement awards and recommendations in regard to salaries, wages and service conditions of any National Joint Negotiating Body recognised by the Council. Such awards and recommendations to be reported to a meeting of the Cabinet | Chief Finance Officer |
| 16. | To approve, or otherwise vary the allocation of, essential or casual user car allowances for posts in the authorised establishment | Each Member of Corporate Leadership Team |
| 17. | To approve loans to employees for the purchase of cars and other forms of transport for use on the Council's business | Each Member of Corporate Leadership Team in consultation with the Chief Finance Officer) |
| 18. | To authorise the payment of lodging and travelling home allowances; removal expenses allowances, within the Council's approved relocation scheme | Each Member of Corporate Leadership Team |
| 19. | To allocate service tenancies in relation to general fund properties to authorised employees | Strategic Director (Housing and Property) |
| 20. | To authorise the provision of uniforms or protective clothing for employees | Each Member of Corporate Leadership Team |
| 21. | To authorise payments in respect of clothing and personal items damaged accidentally in the course of an employee's duties | Each Member of Corporate Leadership Team |
| 22. | To deal with the letting of rooms at the Forum, Hemel Hempstead, Berkhamsted Civic Centre and Victoria Hall, Tring and use of the foyer and forecourt areas | Assistant Director (property Services) and Head of Property Services |
| 23. | To exercise the powers of the Council to refuse applications for regrading from employees. | Each Member of Corporate Leadership Team |
| 25. | To approve the redesignation of posts provided there are no cost implications | Each Member of Corporate Leadership Team |

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| 26. | To approve the regrading of posts in the establishment (other than Chief Officers) within the overall budget provision and to report from time to time to the relevant Cabinet Portfolio holder on the use made of these powers. | Chief Officers |
| 27. | To award payment of benefits in respect of retirement on compassionate ground or any other payments permitted by virtue of the Local Government (Discretionary Payments) Regulations 1996s | Chief Officers |
| 28. | To approve Special Severance payments up to a value of £20,000 and agree the terms of any associated Settlement Agreements. | Chief Officers in consultation with the S.151 and Monitoring Officer |
| 29. | <p>To approve all matters relating to the acquisition, appropriation, sale or other disposal of land and buildings having a current market value of £5,000 or less.</p> <p>NB: For authority to dispose of land valued at £500,000 and above please refer to the Financial Regulations, Annex F, Section 1 Land Disposals paragraph 1.c) at page 47 and to paragraph 1.d) for land valued at more than £5000 but less than £500,000.</p> | Strategic Director (Housing and Property Services), Assistant Director (Property) Head of Property Services in consultation with the Chief Finance Officer |
| 30. | To exercise the powers of the Council in respect of the management and control of all general fund land and buildings owned by the Council. | Strategic Director (Housing and Property Services), Assistant Director (Property Services), Head of Property Services |
| 31. | To settle and execute, either under seal or under hand (as appropriate), any contract, agreement, lease, notice or document of a like nature required to give effect to any decision of the Council or of the Cabinet or any Committee or employee acting under delegated powers. | <p>Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services,</p> <p>Any other post with designated Deputy Monitoring Officer duties.</p> |
| 32. | To serve notices requiring information as to use of, operations carried out on | Assistant Director (Legal and Democratic Services), Head of |

	and ownership or interest in property pursuant to any statute or statutory instrument.	Legal and Democratic Services
33.	To institute legal proceedings in relation to any matter contained in this Scheme, at the direction of the employee having delegated power in that behalf	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services
34.	To authorise the issue of formal cautions in lieu of prosecutions in appropriate cases	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services
35.	To agree the quantum of costs awarded to or against the Council in the course of legal proceedings.	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services
36.	To recover possession of any land (including buildings) from persons who have entered without the Council's consent.	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services
37.	To release bonds on the completion of contracts	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services
38.	To prepare and maintain a list of politically restricted posts under s.2 of the Local Government and Housing Act 1989 and any regulations made thereunder	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services
39.	To authorise any officer of the Council to prosecute, defend and appear on behalf of the Council in proceedings before a magistrates' court or a County Court in accordance with S.223 Local Government Act 1972 and S.60 County Court Acts 1984	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services)
40.	To enter into contracts and/or extend existing contracts in respect of the purchase of gas and electricity supplies as is necessary to service the Council's properties and, more generally, in terms of the award, extension, renewal and termination of such arrangements as are in the best interests of the Council	Strategic Director (Corporate and Commercial Services) or Head of Commercial Development

41.	To purchase or lease fleet vehicles subject to the Capital Programme and Fleet Strategies in pursuance of the Council's operational requirements	Strategic Director (Neighbourhood Operations), Head of Environmental Services or Chief Finance Officer
42.	To appoint representatives to replace those who resign from outside organisations and school governing bodies during the municipal year	Assistant Director (Legal and Democratic Services) in consultation with the relevant Group Leader
43.	To initiate, manage and determine corporate contracts in accordance with Procurement Standing Orders	Head of Commercial Development
44.	To institute proceedings under S.64 (1) Local Government (Miscellaneous Provisions) Act 1976 against any drivers reported to have parked on a duly appointed Hackney Carriage stand	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services
45.	To exercise all the functions, duties and powers of the Council contained in the Scrap Metal Dealers Act 2013 or in any amendments thereto or in any secondary legislation made thereunder.	Assistant Director (Place, Communities and Enterprise) Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services
46.	To award grants of up to £5000 to community organisations who are eligible under the criteria which is applied in the Council's grants process.	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services
47.	To grant licenses for the use of land as a caravan site where the conditions to be applied follow the Council's standard conditions (Caravan Sites and Control of Development Act 1960)	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services
48.	To authorise the institution of legal proceedings for offences under the Pet Animals Act 1951, the Animal Boarding Establishments Act 1963	Assistant Director (Legal and Democratic Services)
49.	To grant licenses for the use of land as a caravan site where the conditions to be applied follow the Council's standard conditions (caravan Sites and Control of Development Act 1960)	Assistant Director (Legal and Democratic Services), Assistant Director (Property), Head of Property
50.	To exercise the powers of the Council under section 19 of the Criminal Justice and Police Act 2001 (closure notices)	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services

**B. FROM THE STRATEGIC DIRECTOR
(CORPORATE AND COMMERCIAL SERVICES)**

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| 1. | To invest and raise loans in exercise of any borrowing authorised by the Council in accordance with statute, all necessary consents and the Voluntary Code of Practice for Local Authority Borrowing | Chief Finance Officer |
| 2. | To apply to the High Court for the payment to the Council of money paid into court under ss.76 or 85 Land Clauses Consolidation Act 1845 or s.9 or Schedule 2 to the Compulsory Purchase Act 1965 where after twelve years a court has not ordered payment of it to anyone else | Chief Finance Officer |
| 3. | To make and to agree or object to proposals for the valuation of property for local taxation purposes. | Chief Finance Officer |
| 4. | To serve or withdraw completion notices in respect of newly erected buildings in pursuance of Paragraph 1 Schedule 4A to the Local Government Finance Act 1988. | Chief Finance Officer |
| 5. | To administer Housing Benefit, Council Tax Benefit, Discretionary Housing Payment, Local Scheme and any subsequent modifications in accordance with statutory provisions and assess applications and claims in respect of same. | Chief Finance Officer |
| 6. | To grant disability allowances under the Local Government Finance Act 1992. | Chief Finance Officer |
| 7. | To remit rates on Business Rate properties on the grounds of hardship under section 49 Local Government Finance Act 1988 | Chief Finance Officer |
| 8. | To bill, collect and enforce Council Tax | Chief Finance Officer |

and Non-Domestic Rates in accordance with statutory provisions

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| 9. | To submit proof of debt or relevant claim in insolvency proceedings | Chief Finance Officer |
| 10. | To recover rates, other debts or damages. | Chief Finance Officer |
| 11. | To institute proceedings to recover overpaid Housing Benefit | Chief Finance Officer |
| 12. | To reduce or remit payment of Non-Domestic rates in accordance with the schemes agreed by the Council under | Chief Finance Officer |

S.47 Local Government Finance Act 1988 – Discretionary Rate Relief to Charitable and Other Organisations

S.1 Local Government and Rating Act 1997 – Discretionary Rate Relief for businesses in rural areas.

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| 13. | To authorise the institution of proceedings for any offence under s.111 and s.112 of the Social Security Administration Act 1992 and/or the Theft Act 1968 (including the authorisation of any other sanctions referred to in these Acts) | Chief Finance Officer |
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Property and Asset Management

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| 14. | To give undertakings to and enter into agreements with the Water Undertaker for the provision of a supply of water for new buildings erected by or for the Council. | Head of Property Services |
| 15. | To take licences, wayleaves or easements over private land where necessary for the use or enjoyment by the Council of land or premises in its ownership or for the purpose of carrying out any function. | Head of Property Services |
| 16. | To grant: | |
| | (a) Leases, tenancies and licences for any period other than in respect of dwellings and garages | Head of Property Services |

used for housing purposes.

(b) Wayleaves and easements

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| 17. | To consent to assignment, subletting, charging or change of use, in respect of any lease (other than dwellings and garages used for housing purposes). | Head of Property Services |
| 18. | To determine or accept the surrender (in whole or in part) or vary the terms and conditions (including as to rent) of any lease, tenancy or licence of property owned by the Council (other than dwellings and garages used for housing purposes) including the payment of any compensation due under the Landlord and Tenant Act 1954, without recourse to court proceedings. | Head of Property Services |
| 19. | To seek planning permission and building control consent in order to carry out development which the Council propose to carry out. | Head of Property Services,
Head of Development |
| 20. | To manage the Council's markets. | Head of Property Services |
| 21. | To authorise the use of Council land and buildings for the delivery of services, allocate space appropriately and re-allocate space that is under-utilised or being inefficiently used. | Head of Property Services |
| 22. | To approve the release and/or variation of restrictive covenants (including the terms and conditions of such release) which have been imposed in relation to any former Council property or land | Head of Property Services |
| 23. | To award contracts relating to any insurance claim in satisfaction of agreements reached with a loss adjuster | Chief Finance Officer |

Renovation Grants

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| 24. | To approve applications for grants for house renovations | Assistant Director (Housing Operations and Safe Communities) |
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| 25. | To deal with the repayment of house renovation grants where there has been a breach of the conditions attached to the grant | Assistant Director (Housing Operations and Safe Communities) |
| 26. | To authorise and make the following payments | |
| (1) | Compensation payable in respect of closing or demolition orders (S.584A Housing Act 1985) | Assistant Director (Housing Operations and Safe Communities) |
| (2) | Home loss payments where persons displaced from dwelling (Ss.29 and 30 Land Compensation Act 1973) | Assistant Director (Housing Operations and Safe Communities) |
| (3) | Disturbance payments for persons without compensatable interests (Ss.37 and 38 Land compensation Act 1973) | Assistant Director (Housing Operations and Safe Communities) |
| 27. | To authorise proceedings in respect of alleged harassment or unlawful eviction. | Assistant Director (Legal and Democratic Services), Assistant Director (Housing Operations and Safe Communities) |
| Leisure, Sport and Recreation | | |
| 28. | To deal with the letting of pitches and recreational facilities | Head of Property Services |
| 29. | To deal with the letting for specific occasions or performances of the Old Town Hall and any other Council buildings used for entertainments or other leisure pursuits. | Head of Property Services |
| 30. | To grant permission for the use of public parks and recreation grounds for organised functions and to approve the taking of collections at such functions. | Head of Property Services |
| 31. | To make grants, not exceeding £1,000 in any one case to non-profit making organisations in the Borough having recreational, sporting, artistic, cultural, community services or entertainment's aims or interests. | Chief Finance Officer |

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| 32. | To deal with the allocation of allotments. | Head of Property Services |
| 33. | To serve Notice to Quit Allotments and to authorise any necessary proceedings to recover possession in the event of arrears of rent, poor cultivation, or for any other reason in pursuance of a decision of the Council or of a Committee acting under delegated power. | Head of Property Services |
| 34. | To accept the transfer of amenity open space not exceeding 0.25 hectares when completed on private housing developments, on payment of a commuted sum estimated to cover 25 years' maintenance costs. | Chief Finance Officer in consultation with the relevant Strategic Director |
| 35. | To review and revise charges for the use of facilities and participation in activities. | Head of Property Services |

Cemeteries

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| 36. | To deal with the grant, transfer or surrender of rights of burial and the maintenance of graves in accordance with the Council's regulations | Strategic Director
(Neighbourhood Operations) |
| 37. | To grant relief from the payment of double fees in respect of the interment of former residents | Strategic Director
(Neighbourhood Operations) |

Public Health

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| 38 | To make decisions, serve notices and arrange for the carrying out of works or the taking of other necessary action (including the authorisation of any criminal or civil proceedings) in pursuance of or in default of compliance with any notice or Court Order, in accordance with the following statutory provisions: | |
| (1) | S.48 Public Health Act 1936
(Examination and testing of drains) | Head of Regulatory Services |
| (2) | S.50 Public Health Act 1936
(Overflowing and leaking cesspools) | Head of Regulatory Services |

(3)	s.79 Public Health Act 1936 (Power to require removal of noxious matter by occupier of premises in urban district)	Head of Regulatory Services
(4)	SS.83-85 Public Health Act 1936 (Filthy and verminous premises, articles and persons and their clothing)	Head of Regulatory Services
(5)	S.140 Public Health Act 1936 (Closing or restricting use of water from polluted source of supply)	Head of Regulatory Services
(6)	S.141 Public Health Act 1936 (Power to deal with insanitary cisterns, &c)	Head of Regulatory Services
(7)	S.259 Public Health Act 1936 (Nuisances in connection with watercourses, ditches, ponds etc)	Head of Regulatory Services
(8)	s.264 Public Health Act 1936 (Urban authority may require repair and cleansing of culverts)	Head of Regulatory Services
(9)	S.268 Public Health Act 1936 (Tents, vans, etc)	Head of Regulatory Services, Assistant Director, Housing Operations and Safe Communities , Head of Safe Communities
(10)	s.275 Public Health Act 1936 (Power of local authority to execute certain work on behalf of owners or occupiers.	Head of Regulatory Services, Assistant Director, Housing Operations and Safe Communities , Head of Safe Communities
(11)	s.287 Public Health Act 1936 (Power to enter premises)	Head of Regulatory Services, Assistant Director, Housing Operations and Safe Communities, Head of Safe Communities Assistant Director (Strategic Housing)

(12)	s.290 Public Health Act 1936 (Provisions as to appeals against, and the enforcement of, notices requiring execution of works)	Head of Regulatory Services, Assistant Director, Housing Operations and Safe Communities , Head of Safe Communities
(13)	Prevention of Damage by Pests Act 1949	Head of Regulatory Services
(14)	S.20 Clean Air Act 1993 (Proceedings in cases arising from emission of smoke in smoke control areas)	Head of Regulatory Services
(15)	S.24 (1) Clean Air Act 1993 (Adaptation of fireplaces in private dwellings)	Head of Regulatory Services
(16)	S.17 Public Health Act 1961 (Repair of drains and stopped-up drains)	Head of Regulatory Services
(17)	S.22 Public Health Act 1961 (Cleansing or repairing of drains)	Head of Regulatory Services
(18)	S.34 Public Health Act 1961 (Accumulations of rubbish)	Head of Regulatory Services
(19)	S.36 Public Health Act 1961 (vacation of premises during fumigation)	Head of Regulatory Services
(20)	S.74 Public Health Act 1961 (power to reduce number of pidgeons)	Head of Regulatory Services
(21)	S.14-16 Clean Air Act 1993 (Height of chimneys)	Head of Regulatory Services

(22)	S.23 Clean Air Act 1993 (Acquisition and Sale of Unauthorised Fuel in Smoke Control Area)	Head of Regulatory Services
(23)	S.60 Control of Pollution Act 1974 (Control of noise on construction sites)	Head of Regulatory Services
(24)	S.61 Control of Pollution Act 1974 (Prior consent for work on construction sites)	Head of Regulatory Services
(25)	SS.10, 11, 12, 6 and 36 Clean Air Act 1993 (Measurement of and requiring information about air pollution)	Head of Regulatory Services
(26)	S.93 Control of Pollution Act 1974 (Power of obtaining information)	Head of Regulatory Services
(27)	S.35 Local Government (Miscellaneous Provisions) Act 1976 (Removal of obstructions from private sewers)	Head of Regulatory Services
(28)	SS.29, 30, 31 and 32 Local Government (Miscellaneous Provisions) Act 1982 (Protection of Buildings)	Head of Regulatory Services
(29)	S.28 Public Health (Control of Disease) Act 1984 (Prohibiting work where notifiable disease exists)	Head of Regulatory Services in consultation with the Director of Public Health at Hertfordshire County Council
(30)	S.59 Building Act 1984 (Drainage of building)	Head of Regulatory Services
(31)	S.64 Building Act 1984 and S.45 Public Health Act 1936 (Defective or unsatisfactory closets)	Head of Regulatory Services
(32)	S.76 Building Act 1984 (Defective premises – urgent)	Head of Regulatory Services, Assistant Director,

	action)	(Housing Operations and Safe Communities)
(33)	Part III of the Environmental Protection Act 1990 (Statutory Nuisances)	Head of Regulatory Services
(34)	S.103 Clean Air Act 1993	Head of Regulatory Services
(35)	S.51 Clean Air Act 1993	Head of Regulatory Services
(36)	(Part II of the Environmental Protection Act 1990 section 59 and 59za (Powers to require removal of waste unlawfully deposited and supplementary power in relation to owner of land)	Head of Regulatory Services
(37)	S.59, 60,62, 64,65,66,76,78, 84, 93, 95,96, 99 Building Act 1984	Head of Regulatory Services
(38)	S.60,61, 62, 91, 92, 93 Control of Pollution Act 1974	Head of Regulatory Services
(39)	S.6,7,8,9,10,11,13,14, 19(2), 22(2), 22(4), 33, 59, 78b(3), 78c, 78e, 78m 78n, 80(i) 80(ii), 81, 88, , 9), 94A, 94B,149 Environmental Protection Act 1990	Head of Regulatory Services
(40)	S.45,48,50,79,141,259,264,275,287, 290 Public Health Act 1936	Head of Regulatory Services
39.	To approve grant applications for the purposes of complying with smoke control orders.	Head of Regulatory Services
40.	To make application for any such Order as is authorised by S.47 of the National Assistance Act 1948 as amended by the National Assistance (Amendment) Act 1951 (removal of persons in need of	Assistant Director (Legal and Democratic Services) in consultation with a senior Doctor in Public Health or a consultant in communicable disease control

care and attention).

Smoke Free Premises

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| 41. | To exercise the enforcement duties of the Council in relation to smoke-free premises under the Health Act 2006 including the appointment of authorised officers under Section 10 of that Act. | Head of Regulatory Services |
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Food Safety

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| 42. | To authorise proceedings under S.20 of the Food Safety Act 1990 (offences due to fault of another person), S.19(1) of the Food Safety and Hygiene (England) Regulations 2013 and Regulation 4 of the General Food Regulations 2004 | Assistant Director (Legal and Democratic Services) |
| 43. | To exercise the powers of the Council under S.5 of the Food Safety Act 1990: | Head of Regulatory Services |
| | (a) To appoint by an instrument in writing Authorised Officers for the purposes of the Act, being Officers having suitable qualifications and experience | |
| | (b) To specify in the instrument of appointment which of the following powers are to be exercisable by each of the Officers so appointed: | |
| | (i) SS.9, 10, 12, 29, 30 and 32 of the Food Safety Act 1990 | |
| | (ii) Regulations made under SS.16, 17, 18 and 19 of the Food Safety Act 1990 | |
| | (c) To terminate any appointment so made whether by him or her or another | |

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| | Assistant Director (Legal and Democratic Services) |
| 51. To issue a Direction under Section 77 of the Criminal Justice and Public Order Act 1994 and to commence proceedings immediately against persons camping or stationing any caravan or other vehicles used or adapted for human habitation on any land in the Borough where to do so constitutes a contravention of an enforcement notice under Section 179 of the Town and Country Planning Act 1990 or contravention of an Order under Section 23 of the Caravan Sites and Control of Development Act 1960 or an offence under Section 77 of the Criminal Justice and Public Order Act 1994. | Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services) |
| 52. To seek such injunction or other legal action as may be considered appropriate against any person or persons in control of a caravan or vehicle which is occupied as living accommodation while stationed on any off-street parking place owned or operated by the Council. | Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services) |
| 53. To grant bus permits in accordance with the Council's scheme | Chief Finance Officer |
| 54. Regulatory Services (Miscellaneous)

To exercise all of the council's powers and duties, including the making of decisions, the service of notices and the carrying out of works or the taking of any other necessary action (including the authorisation of any criminal or civil proceedings) in pursuance of, or in default of compliance with any notice or court order, in accordance with the following legislation:

1) Home Energy Conservation Act 1995
2) Clean Neighbourhoods & Environment Act 2005 (and all | Head of Regulatory Services
Assistant Director (Housing Operations and Safe Communities), Assistant Director, (Legal and Democratic Services) |

other related legislation such as the Refuse Disposal (Amenity) Act 1978 and Environmental Protection Act 1990)

- 3) Pollution Prevention and Control Act 1999
- 4) Noise and Statutory Nuisance Act 1993
- 5) Protection from Eviction Act 1977
- 6) Housing Act 1988
- 7) Caravan Sites Act 1968
- 8) Water Industry Act 1991
- 9) Environmental Protection Act 1990
- 10) Sunbeds (Regulation) Act 2010
- 11) Animal Welfare Act 2006
- 12) The Microchipping of Dogs (England) Regulations 2015
- 13) Enterprise and Regulatory Reform Act 2013

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| 55. | To deal with the removal and disposal of abandoned vehicles and refuse under the Refuse Disposal (Amenity) Act 1978 | Head of Neighbourhood Management |
| 56. | To authorise proceedings under S.87 Environmental Protection Act 1990 against persons depositing litter outside of the household waste sites in the Borough | Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services) |
| 57. | To discharge the Council's functions relating to S.88 of the Environmental Protection Act 1990 and Orders made thereunder relating to the imposition of fixed penalty notices for leaving litter | Head of Regulatory Services |

Environmental Services

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| 58. | To exercise the powers of the Council under S.25 Local Government (Miscellaneous Provisions) Act 1976 (Dangerous trees) | Head of Neighbourhood Management |
| 59. | To exercise the powers of the Council under S.25 Local Government (Miscellaneous Provisions) Act 1976 (Dangerous excavations) | Assistant Director (Neighbourhood Delivery) |

60.	To accept the dedication of land for highway purposes where the total cost (including accommodation works and professional fees) does not exceed £5000.	Assistant Director (Legal and Democratic Services) in consultation with the Strategic Director (Neighbourhood Operations)
61.	To accept responsibility for the maintenance of new street lighting, traffic sign lighting and traffic signals	Head of Neighbourhood Management
62.	To adopt private streets in pursuance of S.228 Highways Act 1980	Assistant Director (Legal and Democratic Services) on the recommendation of the Strategic Director (Neighbourhood Operations)
63.	To serve notices, deal with plans and proposals submitted under and authorise proceedings under the New Roads and Street Works Act 1991	Head of Neighbourhood Management
64.	To issue notices, to make orders and to apply for consent to continue in force orders temporarily restricting or prohibiting traffic (SS.14, 15 and 16 Road Traffic Regulation Act 1984)	Assistant Director (Legal and Democratic Services) in consultation with the Strategic Director (Neighbourhood Operations)
65.	To give notice of the Council's intention to introduce all forms of traffic regulation orders and cycle track orders	Assistant Director (Legal and Democratic Services)
66.	To make and confirm unopposed traffic regulation and cycle track orders.	Assistant Director (Legal and Democratic Services)
67.	To arrange for floral displays and emblems.	Strategic Director (Neighbourhood Operations) and Head of Neighbourhood Management
68.	To erect flagpoles, etc on highways, for the purpose of displaying decorations (S.144 Highways Act 1980)	Head of Neighbourhood Management
69.	To serve notices and to take any action in default of compliance therewith under SS.46 and 47 Environmental Protection Act 1990. (Dustbins, or receptacles for commercial or industrial waste)	Head of Environmental Services

70.	In connection with charitable events or temporary promotions by the Council and other public bodies to carry out or authorise works for the placing of structures on footpaths, bridleways and other pedestrianised areas of highway under Part VIIA Highways Act 1980 (Provision of Amenities on certain Highways) and to serve the requisite notices	Head of Neighbourhood Management
71.	To discharge the Council's functions in relation to keeping land and highways clear of litter etc under s.89 of the Environmental Protection Act 1990 and Orders made thereunder	Head of Regulatory Services
72.	To discharge the Council's functions in relation to the service of "litter abatement notices" under S.92 and "street litter control notices" under S.93 of the Environmental Protection Act 1990 and Orders made thereunder	Head of Regulatory Services
73.	To approve a discount charging structure for the collection of commercial waste where more than two containers are sited at the same site	
74.	To determine the charges for the collection of materials from premises for recycling	Head of Environmental Services in consultation with Chief Financial Officer
75.	To agree contracts and pricing structures for the disposal of materials for recycling	Head of Environmental Services in consultation with Head of Commercial Development
76.	To manage payments to local community groups for the collection of used aluminium beverage cans.	Head of Environmental Services
77.	To exercise the powers of the Council under Sections , 25, and 64 of the Land Drainage Act 1991 (maintenance of flow of watercourses, powers to undertake drainage works against flooding, powers of entry for purposes of the Act)	Head of Neighbourhood Management

Anti-Social Behaviour

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| 78. | To authorise the application for an injunction against a person aged 10 or over under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014. | Assistant Director (Housing Operations and Safe Communities) in consultation with Assistant Director (Legal and Democratic Services) |
| 79. | To authorise the issue of a closure notice and application for a closure order in respect of premises used or likely to be used to commit nuisance or disorder under Part 4, Chapter 3 of the Anti-social Behaviour, Crime and Policing Act 2014. | Chief Executive or relevant Strategic Director in consultation with the relevant Assistant Director and the Assistant Director (Legal and Democratic Services) where the specified duration of the closure notice exceeds 24 hours. |
| 80. | To authorise the issue of Community Protection Notices under Part 4, Chapter 1 of the Ant-social Behaviour, Crime and Policing Act 2014 | Head of Regulatory Services, Head of Neighbourhood Management, Head of safe Communities in consultation with the Assistant Director (Legal and Democratic Services) |

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| 81. | To authorise the application and confirmation of a public spaces protection order under Part 4, Chapter 2 of the Anti-social Behaviour, Crime and Policing Act 2014 and to set the sum payable for fixed penalty notices for contravention of the relevant order | Assistant Director (Housing Operations and Safe Communities) in consultation with the relevant Assistant Director and the Assistant Director (Legal and Democratic Services) |
| 82.
(a) | To authorise officers to issue fixed penalty notices pursuant to any public space protection order in force. | Assistant Director (Housing Operations and Safe Communities), Head of Regulatory Service, Head of Neighbourhood Management, Head of Safe Communities in consultation with Assistant Director (Legal and Democratic Services) |
| 83. | To give penalty notices for graffiti and fly posting. (Section 43 Anti-Social Behaviour Act 2003) | Assistant Director (Housing Operations and Safe Communities), Head of Regulatory Services, Head of Neighbourhood Management, Head of Safe Communities in consultation with Assistant Director (Legal and Democratic Services) |

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C. FROM THE STRATEGIC DIRECTOR (HOUSING AND PROPERTY SERVICES)

POWER OR FUNCTION	TO WHOM DELEGATED
Housing Management	
1. To allocate the tenancies of dwellings in accordance with the Council's Allocation Policy and its Choice Based Lettings Scheme and to provide nominations to Registered Providers in line with nomination agreements and the Council's Allocations Policy.	Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations
2. To deal with exchanges of tenancies of Council dwellings, including mutual exchanges between tenants, transfers of tenancies to survivors of the same household and reciprocal transfers with other local authorities	Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations
3. To deal with cases of homelessness	Assistant Director (Housing Operations and Safe Communities), Head of Housing
4. To determine reviews requested under section 202 of the Housing Act 1996 (as amended)	Assistant Director (Housing Operations and Safe Communities), Head of Safe Communities or the Reviews, Insight and Improvement Officer
5. To grant to homeless persons licences to occupy temporarily Council dwellings and to determine such licences as necessary	Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations, Housing Options and Temporary Accommodation (Review) Manager
6. To allocate the tenancies of garages held for housing purposes which do not comprise part of a commercial letting	Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations, Head of Commercial Development
7. To deal with all matters of estate management falling within the conditions of tenancy of dwellings or garages held for housing purposes	Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations, Head of Commercial

	which do not comprise part of a commercial letting	Development
8.	(1) To serve a Notice of Seeking Possession in respect of any dwellings let under a secure tenancy, or a Notice to Quit in respect of any other dwelling held for housing purposes which do not comprise part of a commercial letting	Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations
	(2) To determine by notice the tenancies of garages held for housing purposes and not comprising part of a commercial letting for non-payment of rent or other breaches of the conditions of tenancy	Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations, Head of Commercial Development
	(3) To serve a notice of proceedings for possession in respect of any dwelling let under an introductory tenancy	Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations
	(4) To conduct a review of a decision to seek an order for possession of a dwelling let under an introductory tenancy	Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations
	(5) To serve a notice of extension to the trial period in relation to an introductory tenancy.	Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations
	(6) To conduct a review of a decision that the trial period for an introductory tenancy should be extended	Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations
	(7) To apply to the Court for a demotion order in respect of any dwelling let under a secure tenancy	Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations
	(8) To serve a notice of proceedings for possession in respect of any dwelling let under a demoted tenancy	Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations
	(9) To conduct a review of a decision	Assistant Director (Housing

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| | to seek an order for possession of a dwelling let under a demoted tenancy | Operations and Safe Communities), Head of Housing Operations |
| (10) | To make application for a Possession Order in respect of any Council dwelling where considered necessary | Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services |
| (11) | To make application for a Possession Order in respect of any Council dwelling where considered necessary in a case of serious arrears of rent or licence fees in respect of temporary accommodation | Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations |
| 9. | To authorise the institution of proceedings for the recovery of sums in respect of which cheques have been tendered for rent or arrears of rent which are subsequently dishonoured. | Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations |
| 10. | To authorise the commencement of possession proceedings where considered necessary in respect of any dwellings held for housing purposes which do not comprise part of a commercial letting. | Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations |

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| 11. | To authorise the repossession (including the enforcement of any order for possession) of any dwellings held for housing purposes which do not comprise part of a commercial letting. | Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations |
| <u>Anti-social Behaviour (Tenants and Leaseholders)</u> | | |
| 12. | To serve a notice of proceedings for possession on absolute ground for anti-social behaviour in respect of any dwelling let under a secure tenancy under Part 5 of the Anti-social Behaviour, Crime and Policing Act 2014. | Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations, Head of Safe Communities |
| 13. | To conduct a review of a decision to seek possession on absolute ground for anti-social behaviour in respect of any dwelling let under a secure tenancy under Part 5 of the Anti-social Behaviour, Crime and Policing Act 2014. | Assistant Director (Housing Operations and Safe Communities), Head of Safe Communities |
| 14. | To authorise the commencement of injunction proceedings in relation to conduct capable of causing nuisance or annoyance to any person insofar as the conduct relates to any dwellings held for housing purposes which do not comprise part of a commercial letting (including the authorisation of any subsequent proceedings necessary to enforce breaches of any such injunction), or insofar as the conduct directly or indirectly relates to or affects the housing management functions of the Council. | Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations, Head of Safe Communities |
| 15. | To approve terms and conditions for the leasing of properties from Government departments and other public bodies for use as housing accommodation | Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations, Head of Safe Communities |

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| 16. | To grant applications for loans or the purchase or improvement or repair of houses within the Borough and to grant consent to the letting, transfer or sale of, or otherwise relating to, property in mortgage to the Council. | Chief Finance Officer, Head of Financial Services, Assistant Director (Housing Operations and Safe Communities) |
| 17. | To seal vacating receipts on redemption of mortgage. | Assistant Director (Legal and Democratic Services), any other post with designated Deputy Monitoring Officer duties. |
| 18. | To accept tenders for items included in the approved budget for housing repairs and maintenance provided that no tender shall be accepted which is in excess of the provision of the budget. | Assistant Director (Property) |
| 19. | Right to Buy Scheme | |
| | (1) To make such determinations of fact as are necessary for the purposes of Part V of the Housing Act 1985 or any scheme extending the Right to Buy | Relevant Assistant Director |
| | (2) To respond to a written notice claiming to exercise the right to buy served upon the Council by a secure tenant | Chief Finance Officer, Head of Financial Services, |
| | (3) To agree to include in the sale of a dwellinghouse land used for the purposes of the dwellinghouse which is not let to the tenant under the tenancy of the dwellinghouse (e.g. a garage or accessway) | Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations |
| | (4) To consent to members of a tenant's family who reside with him or her, but have done so for less than 12 months, sharing the Right to Buy | Chief Finance Officer |
| | (5) To determine all valuations required to be made by the Council for the purpose of Part V of the Act or of any scheme extending the Right to Buy | Chief Finance Officer |

(6)	To agree and settle the provisions to be contained in conveyances, leases and mortgage deeds for the purpose of Part V of the Act or any scheme extending the Right to Buy	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services
(7)	To grant extensions of the period for claiming to exercise the right to a mortgage	Chief Finance Officer
(8)	To serve notice requiring a tenant to complete the transaction within a specified period	Assistant Director (Legal and Democratic Services)
(9)	To grant extensions of the period for serving notice claiming entitlement to defer completion	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services
(10)	To sign and give Certificates of Title to convey the freehold or make the grant	Assistant Director (Legal and Democratic Services) or a solicitor or barrister employed by or acting for the Council
(11)	To accept as sufficient evidence of the matters declared therein, any statutory declaration made for the purpose of Part V of the Act or any scheme extending the Right to Buy	Chief Finance Officer) in consultation with the Assistant Director (Legal and Democratic Services)
(12)	To consent to a disposal to a person satisfying the condition stated in S.157(3), where a locality covenant is imposed by the Council	Assistant Director (Legal and Democratic Services), Head of Legal and Democratic Services
(13)	To make applications under paragraph 11 of Schedule 5 Housing Act 1985 for determination of the Right to Buy in respect of dwellings occupied by the elderly	Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations
(14)	To determine applications for assignment under S.92 Housing Act 1985 and to consent to subletting under S.94 Housing Act 1985.	Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations

(15)	To give consent, in accordance with section 156 of the Housing Act 1985, to the Council postponing its charge on premises in respect of liability to repay the statutory discount under the Right to Buy Scheme in favour of any advance or further advance provided to the tenant or former tenant by an external lender.	Chief Financial Officer
(16)	To agree to the service of a Initial and Final Demolition Notice in accordance with Schedule 5(A) Housing Act 1985	Chief Financial Officer
20.	To determine freehold reversion sales.	Chief Financial Officer
21.	To prove for housing rents in bankruptcy or liquidation.	Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations
22.	To authorise the institution of proceedings for possession and arrears in cases of default by mortgagors.	Chief Financial Officer
23.	To deal with applications under the Right to Repair Scheme including payment to tenants.	Assistant Director (Property)
24.	To agree terms for the purpose of individual properties under the Acquisition of Existing Properties Scheme.	Chief Financial Officer

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| 25. | To exercise the powers of the Council in respect of the management and control of all Housing Revenue Account land and buildings owned by the Council for development purposes including, but not limited to, authorising the completion of:
(i) leases, licenses, easements and wayleaves
(ii) Planning obligations under S.106 Town and Country Planning Act 1990
(iii) Agreements under S.278 Highways Act 1980 | Assistant Director (Housing Operations and Safe Communities), Head of Housing Operations, Assistant Director (Property) |
| 26. | To make all decisions/determinations serve notices and authorise the taking of any necessary action in pursuance of the Council's licensing and enforcement responsibilities (including, but not limited to, the service of notices and orders, imposing civil penalties, arranging for the carrying out of remedial works, the recovery of expenses and the keeping of registers of licences and orders) and all other duties or powers which the Council may have in accordance with the following statutory provisions and any orders or regulations made thereunder: | Assistant Director (Housing Operations and Safe Communities) |
| | (1) Housing Act 2004 | |
| | Part 1 – Housing Conditions
Part 2 – Licensing of Houses in Multiple Occupation
Part 3 - Selective Licensing of Other Residential Accommodation
Part 4 - Additional Control Provisions in Relation to Residential Accommodation
Part 6 - Chapter 3 Mobile Homes
Chapter 5 Miscellaneous
Part 7 - Supplementary Powers
Including any relevant schedules contained in the Act. | |
| | (1a) Housing and Planning Act 2016 | |
| | All parts, sections, schedules, regulations and orders relating to private sector landlords and property agents. | |
| | (1b) Smoke and Carbon Monoxide Alarm (England) Regulations (2015) | |

- (1c) Energy Efficiency (Private Rented Property) (England and Wales) Regulations (2015)
- (1d) Enterprise and Regulatory Reform Act 2013 (Tenancy Redress Schemes s.83-88)
- (1e) Sections 60, 62, 65, 66, 78, 84, 95, 96 & 99 Buildings Act 1984
- (1f) Sections 62, 91 Control of Pollution Act 1974
- (1g) Section 33 Environmental Protection Act 1990
- (1h) Works for preventing unauthorised entry to certain unoccupied premises or for preventing such premises from being a danger to public health (s.29 Local Government (Miscellaneous Provisions) Act 1982).
- (1i) Sections 331(2)(c), 335, 336, 337, 338, 340 and 600 Housing Act 1985
- 1j) Housing Grants Construction and Regeneration Act 1996, Regulatory Reform Act 2001,
- (1k) Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
- (1l) Section 16 Local Government (Miscellaneous Provisions) Act 1976
- (1m) Part II Section 2 and Schedule 3 – Local Government (Misc Provisions) Act 1982
- (1n) Sections 13-17 Local Government (Misc Provisions) Act 1982
- (1o) Private Rented Sector (England) Regulations 2020

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| 27. | request of the occupier of a dwelling, for the undertakers to restore or continue to supply gas, water or electricity to the dwelling where it is, or is likely to be, cut off because of the failure of the owner to pay for it; and to exercise the Council's powers of recovery of any sum due in consequence of such action (S.33 Local Government (Miscellaneous Provisions) Act 1976). | Assistant Director
(Housing Operations)
& Safe
Communities |
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C. FROM THE STRATEGIC DIRECTOR (PLACE)

POWER OR FUNCTION	TO WHOM DELEGATED
Regeneration	
1. To sign any document required for the purpose of making, amending or substantiating any form of application to obtain funding to effect the Council's Economic Development	Strategic Director (Place), Assistant Director (Place, Communities and Enterprise)
2. To amend any document relating to any form of application to obtain funding to effect the Council's Economic Development Strategy, where the amendment is necessary to correct an error and/or to give effect to a decision of the Council or of the Cabinet or any Committee, Sub-Committee or employee acting under delegated powers.	Strategic Director (Place), Assistant Director (Place, Communities and Enterprise)
3. To approve the provision of and expenditure on hospitality and the undertaking of any expenditure on overseas travel and the incurring of attendant expenses in relation to such overseas travel in connection with any application for funding to effect the Council's Economic Development Strategy.	Assistant Director (Place, Communities and Enterprise) in consultation with the Strategic Director (Place)
4. (a) To authorise the delegation of the decision on naming streets within a parish to the appropriate Town or Parish Council and to settle the terms of formal agency arrangements between the Council and the appropriate Town or Parish Council to enable such decisions to take effect	Assistant Director (Legal and Democratic Services)
(b) To settle the names of streets in unparished areas of Hemel Hempstead	Assistant Director (Legal and Democratic Services) or the Information Security Team Manager
(c) To settle the names of streets in parished areas of the Borough where no such arrangements as mentioned in (a) above have been entered into or authorised	Assistant Director (Legal and Democratic Services) or the Information Security Team Manager

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| 5. | To number and renumber streets | Assistant Director (Legal and Democratic Services) or the Information Security Team Manager |
| | Building Control | |
| 6. | The carrying out of all functions, and the making of decisions or determinations on all matters falling to be considered by the Council under or in connection with the Building Act 1984 or the Building Regulations 2010 and associated legislation. | Lead Building Control Officer or the Head of Development Management |
| 7. | To authorise the issue of permits for access by vehicles to the pedestrianised areas of town centres and the institution of legal proceedings for breach of the conditions of such permits | Assistant Director (Planning) |
| 8. | In relation to the pedestrianised area of Hemel Hempstead Town Centre | |
| | (1) To grant Street Trading Licences under Part VIIA Highways Act 1980, approve the terms of such Licences, allocate trading pitches and approve any variations of the Street Trading Policy. | Assistant Director (Planning) |

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| (2) | To administer street trading under Part VIIA Highways Act 1980, including logging enquiries, processing applications and Street Trading Licences, making recommendations to members, enforcement of breaches of Licence Conditions and to exercise power to withdraw Licences or prohibit unlicensed traders. | Assistant Director (Planning) |
| 9. | To accept, make use of and keep confidential statistical information received from outside agencies relating to Development Plan matters | Head of Development Management |
| 10. | To determine applications for the removal of Public Telephone Kiosks under Communications Act 2003 | Assistant Director (Planning) and the Head of Development Management |

Community Infrastructure Levy (CIL)

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| 11. | To make all decisions relating to liability for CIL payments contained in the Community Infrastructure Levy Regulations 2010 (as amended) including but not limited to decisions relating to calculation, exemptions, relief from CIL, surcharges, and internal reviews. | Assistant Director (Planning)
Head of Development
Management or the Team
Manager (Strategic Planning and
Regeneration) |
| 12. | To make all enforcement decisions relating to CIL Stop Notices as detailed in Part 9 Chapter 2 of the Community Infrastructure Levy Regulations 2010 (as amended). | Assistant Director (Planning)
Head of Development
Management, the Assistant
Team Manager(Planning
Enforcement) |
| 13. | To determine whether to accept land as payment in kind in accordance with Part 8 regulation 73 of the Community Infrastructure Levy Regulations 2010 (as amended). | Assistant Director (Planning)
Assistant Director Place,
Communities and Enterprise) in
consultation with the Chief
Finance Officer |
| 14. | To serve Demand Notices, manage the collection and accounts for CIL and distribute funds to infrastructure providers, Town and Parish Councils and Ward Councillors as approved by Council. | Chief Finance Officer, Head of
Financial Services |
| 15. | To authorise the commencement of any action to recover CIL contained in Part 9 Chapter 3 of the Community Infrastructure Levy Regulations 2010 (as amended). | Assistant Director (Planning)
Head of Development
Management, the Assistant
Team Manager(Planning
Enforcement) |

DELEGATION TO ALL OFFICERS IN THE CORPORATE LEADERSHIP TEAM

POWER OR FUNCTION

LIMITS ON DELEGATION

1. To authorise an employee of the Council to enter on any land (including buildings) in the Borough in exercise of any right of entry for any purpose in connection with the execution of the Council's functions, and to take with him or her any other persons, equipment, materials or vehicles, provided that:
 - (a) The public have access to the land; or
 - (b) the occupier (or if there is no occupier, the owner) has expressly or implicitly consented to the entry; or
 - (c) entry is urgently necessary to prevent death or injury to any person or serious damage to property
2. To authorise any employee of the Council to enter on any land (including buildings) in the Borough in exercise of any right of entry for any purpose in connection with the execution of the Council's functions and to take with him or her any other persons, equipment, materials or vehicles without the consent of the occupier or owner of the land or to apply to a court for authority to enter
3. To dispose of any lost or uncollected property which has or will become vested in the Council and to make charges for storage and administrative costs to owners of lost property.
4. To sign any notice, demand, licence, certificate or other document pursuant to any power contained in this scheme.

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| <p>5. To initiate procurement exercises, accept tenders and make contracts up to a value of £250,000 for the supply of goods or materials or the execution of work or the provision of services in relation to such purposes as are under the control of the authorising employee and for which specific budgetary provision has been approved by the Council subject to the compliance with the requirements of the Council's Procurement Standing Orders.</p> | <p>To report to the relevant Portfolio Holder the exercise of such power in all cases.</p> |
| <p>6. To commence procurement exercises in pursuance of Council, Cabinet or Portfolio Holder decisions</p> | <p>To report to the relevant Portfolio Holder the exercise of such power in all cases</p> |
| <p>7. To commence procurement exercises in pursuance of Council policy decisions, or operational matters set out in Part 2, A(d), B(a), C(a) and D(a) above, subject to there being specific budgetary provision previously approved by the Council and subject also to compliance with Procurement Standing Orders. This delegation requires that the authority to award a contract shall only flow from provisions elsewhere in this Part 3 Responsibility for Functions or in accordance with Procurement Standing Orders</p> | |
| <p>8. To authorise the obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p> | |

SCHEDULE 4 SCHEME OF DELEGATION

Provision or class of provision			Proper Officer	Substitute Proper Officer
1.	Every enactment not otherwise specified in this Schedule and in respect of which no express appointment of a Proper Officer is made after the coming into operation of this Constitution.		Chief Executive	Assistant Director (Legal and Democratic Services)
In relation to each provision or class of provisions specified in column 1 of this Schedule the holder for the time being of the office specified in column 2 shall be the Proper Officer, provided that during any time that officer is absent or otherwise unable to act, or there is a vacancy in that office, then the holder for the time being of the office specified in column 3 shall be the Proper Officer				
Local Government Act 2000 and any regulations made thereunder				
2.	To act as Proper Officer on all aspects of this Act and any Regulations made thereunder		Chief Executive	Assistant Director (Legal and Democratic Services)
Local Government Act 1972				
3.	S.83(1) (2) and (3)	To receive and witness declarations of acceptance of office	Chief Executive	Assistant Director (Legal and Democratic Services)
4.	S.84(1)	To receive resignations	Chief Executive	Assistant Director (Legal and Democratic Services)
5.	S.88(2)	To convene meeting of Council to fill casual vacancy in the office of Mayor	Chief Executive	Assistant Director (Legal and Democratic Services)

	Provision or class of provision		Proper Officer	Substitute Proper Officer
6.	S.89(1)	To receive notice of casual vacancy	Chief Executive	Assistant Director (Legal and Democratic Services)
7.	S.96(1)	To receive notice of members' pecuniary interest	Chief Executive	Assistant Director (Legal and Democratic Services)
8.	S.100B (2)	Withholding from public deposit of 'Part 2' reports	Assistant Director (Legal and Democratic Services)	Any solicitor or barrister employed by the Council
9.	S.100B (7)	Supply to newspapers of additional documents	Assistant Director (Legal and Democratic Services)	Any solicitor or barrister employed by the Council
10.	S.100C (2)	Written summary of 'Part 2' proceedings	Assistant Director, Legal and Democratic Services)	Any solicitor or barrister employed by the Council
11.	S.100D	Identifying and compiling list of 'Background Papers'	Relevant Corporate Leadership Team Officer	The most senior Officer responsible for the preparation of the report
12.	S.100F (2)	Deciding whether document discloses exempt information of certain types	Assistant Director (Legal and Democratic Services)	Any solicitor or barrister employed by the Council
13.	S.115 (2)	To receive money due from Officers	Chief Finance Officer)	Head of Financial Services
14.	S.146 (1)	Declarations and certificates with regard to securities	Chief Finance Officer	Head of Financial Services

	Provision or class of provision	Proper Officer	Substitute Proper Officer
15.	S.151 Administration of Council's financial affairs	Chief Finance Officer)	Head of Financial Services
16.	S.191 (2) To receive directions from Ordnance Survey	Assistant Director (Planning)	Head of Development Management
17.	S.225 (1) Deposit of documents	Assistant Director (Legal and Democratic Services)	Any solicitor or barrister employed by the Council
18.	S.229 (5) Authentication of photographic copies	Assistant Director (Legal and Democratic Services)	Any solicitor or barrister employed by the Council
19.	S.234 Authentication of documents	Relevant Strategic Director	Relevant Corporate Leadership Team Officer
20.	S.236 (9) and (10) To send By-laws to other Councils	Assistant Director (Legal and Democratic Services)	Any solicitor or barrister employed by the Council
21.	S.238 Authentication of copy Bye-laws	Assistant Director (Legal and Democratic Services)	Any solicitor or barrister employed by the Council
22.	S.248 To keep freemen's roll	Chief Executive	Head of Legal and Democratic Services
23.	12 th Sch Para 4 Executive (2)(b) and (3) To sign summons to attend Council meeting and to receive notice as to address for service of summons	Chief Executive	Assistant Director (Legal and Democratic Services)
24.	14 th Sch Para 25(7) Certification of particular resolutions	Assistant Director (Legal and Democratic Services)	Any solicitor or barrister employed by the Council

Services)

Provision or class of provision			Proper Officer	Substitute Proper Officer
<u>Public Health Act 1936</u>				
25.	S.84	Certification as to filthy or verminous articles	Assistant Director (Neighbourhood Delivery)	Head of Regulatory Services)
26.	S.343 (1)	Authorised Officer	Assistant Director (Neighbourhood Delivery)	Head of Regulatory Services)
<u>Public Health Act 1961</u>				
27.	S.17	Summary power to remedy stopped-up drains	Assistant Director (Neighbourhood Delivery)	Head of Regulatory Services, Assistant Director (Property)
28	S.36	Power to require vacation of premises during fumigation	Assistant Director (Housing Operations)	Head of Regulatory Services, Head of Housing Operations
29a	S.37	Prohibition on sale of verminous articles	Assistant Director (Neighbourhood Delivery)	Head of Regulatory Services
<u>Representation of the People Act 1983</u>				
30.	S.8	Electoral Registration	Chief Executive	Assistant Director (Legal and Democratic Services), Elections Team Leader, Electoral Service Lead Officer
31.	S.35	Returning Officer for	Chief Executive	Assistant Director

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elections

(Legal and
Democratic
Services

Public Health (Control of Disease) Act 1984

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| 32. | All the provisions of the Public Health (Control of Disease) Act 1984 and the Public Health (Infectious Diseases) Regulations 1988, conferring powers or duties upon a proper officer or an authorised officer | Assistant Director (Housing Operations and Safe Communities) | Head of Regulatory Services, Head of Housing Operations |
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Housing Act 1985

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| 33. | S.606 Reports on particular houses or areas | Strategic Director (Neighbourhood Operations) | Head of Regulatory Services |
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Local Government (Miscellaneous Provisions) Act 1976

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| 34. | S.41 To authorise the evidence of resolutions and minutes of proceedings etc | Assistant Director (Legal and Democratic Services) | Any solicitor or barrister employed by the Council |
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Local Government and Housing Act 1989

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| 35. | SS.2 & 3 To prepare, maintain and supervise the list of politically restricted posts within the Council's establishment | Assistant Director (Legal and Democratic Services) | Any solicitor or barrister employed by the Council |
| 36. | S.4 Head of Paid Service | Chief Executive | Designated Strategic Director acting in Deputy Chief Executive role) |
| 37. | S.5 Monitoring Officer | Assistant Director (Legal and Democratic Services) | Deputy Monitoring Officer |
| 38. | SS.15 & 16 To receive and deal with notices relating to the constitution and membership of political groups | Assistant Director (Legal and Democratic Service) | Any solicitor or barrister employed by the Council |

Food Safety Act 1990

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| 39. | S.49
(3) | To act as Proper Officer to the Council with respect to the signing of documents | Strategic Director (Neighbourhood Operations) | Head of Regulatory Services |
| 40. | S.49
(3) | To authorise in writing Officers to sign documents | Strategic Director (Neighbourhood Operations) | Head of Regulatory Services |

Localism Act 2011

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|-----|--|---|--|---------------------------------------|
| 41. | | To maintain a register of interest of members and co-opted members of the authority | Assistant Director (Legal and Democratic Services) | Head of Legal and Democratic Services |
| 42. | | <u>Building Act 2022 and associated regulations</u> | | |
| | | To act as the Accountable Officer | Chief Executive | Deputy Chief Executive |

Author & Responsible Officer	Mark Brookes, Assistant Director, Legal and Democratic Services
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Table of Amendments

Date of Change	Paragraph Amended	Explanation of amendments	Authority
21/07/23	Scehdule 1 p83-89	Change to Portfolios following May 2023 elections	Council May 2023