

## **SECTION 14**

### 14. Responsibility for Functions - Summary

#### 14.1 Introduction

The functions of the Authority fall into two categories:

14.1.1 Council functions; and

14.1.2 Executive functions,

Included in this part of the Constitution are:

14.1.3 the Scheme of Delegation of executive and council functions to Officers;

14.1.4 the list of Proper Officer designations

Sections 6, 7, 8 and 9 of the Constitution describe the executive and council functions that are delegated to Committees.

#### 14.2 Council Functions

14.2.1 These are functions that cannot be the responsibility of the Cabinet. For example, adopting the annual budget, can only be the responsibility of the full Council. In other cases, the responsibility for undertaking the function may be delegated by the Council to a committee or an officer. Where this is the case it is shown in the terms of reference (committees) or the scheme of delegation (officers).

14.2.2 There are also a number of functions which individual Councils can allocate to Cabinet or retain for its own determination. These are known as "local choice functions" and are listed showing which matters are retained and which are allocated to Cabinet.

#### 14.3 Executive Functions

All other functions are executive functions. Decisions about these functions may be taken by the Leader, the Cabinet, individual Cabinet members, Cabinet Committees, joint arrangements with other authorities and officers.

#### 14.4 TERMS OF REFERENCE

14.4.1 Council and Committees exercising Council Functions:

- (a) Council (see Section 4);
- (b) Scrutiny Functions (see Sections 6):
  - (i) Overview and Scrutiny Committee,
- (c) Standards Functions (see Section 7):
  - (i) Standards Committee

- (ii) Standards Sub-Committee;
- (d) Regulatory Functions (see Section 8):
  - (i) Licensing and Regulation Committee;
  - (ii) Licensing Sub-Committee;
  - (iii) Planning Control Committee;
- (e) Finance Audit and Risk Committee (see Section 10);
- (f) Council Tax Setting Committee (see Section 10);
- (g) Employment Committee (see Section 10);
- (h) Joint Staff Consultative Committee (see Section 10);

14.4.2 Cabinet Committees and Executive Members exercising Executive Functions

- (a) Cabinet (see Section 5);
- (b) Cabinet Sub-Committee (Charities) (see Section 5);
- (c) Area Committees (see Section 9);
- (d) CCTV Joint Executive Committee (see Section 11);
- (e) Executive Members (see Section 14.8).

14.5 Proper Officer Designations

14.5.1 Council Functions

These are functions which cannot be the responsibility of the Executive. The table below demonstrates how the Council has chosen to reserve matters to itself for decision or delegate them to a Committee or an officer. The functions listed in the table are those referred to in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

| <b>Function as set out in Regulation 2 and Schedule 1 of the Regulations</b>   | <b>To whom the function is reserved or delegated</b>     |
|--|--|
| All those functions for which the Council is responsible relating to town and county planning and development control  | Planning Control Committee/ Service Director: Regulatory |
| All those functions for which the Council is responsible relating to the protection and treatment of hedgerows, the preservation of trees/ and complaints about high | Service Director: Regulatory                             |

| <b>Function as set out in Regulation 2 and Schedule 1 of the Regulations</b>   | <b>To whom the function is reserved or delegated</b>   |
|--|--|
| hedges   |  |
| All those functions for which the Council is responsible relating to public rights of way  | Planning Control Committee/ Service Director: Regulatory                                     |
| All those functions for which the Council is responsible relating to licensing and registration and the grant of consents and refusals   | Licensing and Regulation Committee/ Service Director: Legal and Community                    |
| Functions relating to Smoke free premises  | Service Director: Regulatory   |
| All those functions for which the Council is responsible governing health and safety at work (other than in the Authority's capacity as an employer)   | Service Director: Regulatory   |
| All those functions relating to elections  | Council/ Service Director: Legal and Community   |
| Functions relating to the name and status of areas and individuals   | Council  |
| Functions relating to Community governance   | Council  |
| Power to make, amend, revoke or re-enact byelaws   | Council  |
| Power to promote or oppose local or personal bills   | Council  |
| Power to make and amend procedure rules (Standing Orders and Financial Regulations)  | Council / Monitoring Officer and Chief Finance officer under the requirements of section 2.6 |
| Power to appoint staff, and to determine the terms and conditions on which they hold office in accordance with approved Council policies (including procedures for their dismissal and the Officer Employment Procedure Rules under section 12.8 | Council/ Managing Director and Service Directors   |
| Duty to make arrangements for the proper administration of financial   | Council  |

| <b>Function as set out in Regulation 2 and Schedule 1 of the Regulations</b>  | <b>To whom the function is reserved or delegated</b>   |
|---|--|
| affairs   |  |
| Power to appoint officers for particular purposes (appointment of Proper Officers)  | Council  |
| Duty to designate an officer as the Head of the Authority's paid service  | Council  |
| Duty to designate an officer as the Monitoring Officer and to provide staff   | Council  |
| Duty to approve the Authority's statement of accounts, income and expenditure and balance sheet, or record of payments and power to make payments in cases of maladministration | Finance Audit & Risk Committee   |
| Power to make payments in cases of maladministration  | Managing Director  |
| Power to make a closing order on a takeaway food shop   | Director: Regulatory   |
| Powers relating to overview and scrutiny committee  | Council  |
| "Proper Officer" under section 13(3) Local Government Acts 1972, to act as Parish Trustee to a Parish Meeting (in a parish not having a separate parish council).               | Committee, Member & Scrutiny Manager/ officer delegated as such by the Services Director – Legal and Community |

#### 14.5.2 Responsibility for Local Choice Functions

The Council has the discretion to choose which part of the structure should be responsible for certain functions (known as "Local Choice Functions"). These are set out in Schedule 2 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (the Regulations). The Council has determined who is responsible for these functions in the table below.

| <b>Function</b>  | <b>Decision Making Body</b> | <b>Delegated to</b> |
|--|-----------------------------|---------------------|
| Functions under local Acts (other than a function specified in | Cabinet                     | Service Directors   |

| <b>Function</b>  | <b>Decision Making Body</b> | <b>Delegated to</b>  |
|--|-----------------------------|--|
| Regulation 2 and Schedule 1 of the Regulations)  |                             |  |
| Determination of an appeal against any decision of the Authority   | Council                     | (where designated) Licensing and Regulation Committee/ or as provided under statutory provision  |
| The discharge of any function relating to the control of pollution, the management of air quality or contaminated land       | Cabinet                     | Service Director: Regulatory   |
| The service of an abatement notice for a statutory nuisance  | Cabinet                     | Service Director: Regulatory   |
| The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply                        | Cabinet                     | Service Director: Regulatory   |
| Inspections for statutory nuisance   | Cabinet                     | Service Director: Regulatory   |
| Investigation of any complaint as to the existence of a statutory nuisance   | Cabinet                     | Service Director: Regulatory   |
| Obtaining information under Section 330 Town and Country Planning Act 1990 as to interests in land                           | Cabinet                     | Service Director: Regulatory   |
| Obtaining of particulars of persons interested in land under Section 16 Local Government (Miscellaneous Provisions) Act 1976 | Cabinet                     | General delegation to Managing Director, and Service Directors   |
| The appointment, nomination or revocation of appointment of any individual to any office/body other than to Full Council     | Council                     | Managing Director/ Service Director: Legal and Community (in the event of vacation of office, in consultation with Group Leaders in respect of elected Councillors <sup>35</sup> ) |

<sup>35</sup> In accordance with any requirements under the Local Government (Committees and Political Groups) Regulations 1990

| <b>Function</b>   | <b>Decision Making Body</b> | <b>Delegated to</b> |
|---|-----------------------------|---------------------|
| The making of agreements with other local authorities and external agencies for the placing of staff and joint working arrangements | Council                     | Managing Director   |

## 14.6 Scheme of Delegation to Officers

### 14.6.1 Introduction

This scheme sets out those council and executive functions, powers and duties which are delegated to officers and allocates the Proper Officer roles.

### 14.6.2 General Principles

- (a) This scheme operates under Section 101 of the Local Government Act 1972 (council functions) and section 9E Local Government Act 2000 (executive functions).
- (b) All officers discharging these functions shall also have power to do anything which is calculated to facilitate or is conducive or incidental to the discharge of those functions, including entering into temporary arrangements with other authorities for the delivery of services.
- (c) All officers discharging these functions may authorise any member of their staff to act on their behalf and shall keep a written record of all sub-delegations in a register held by the Monitoring Officer (subject to the limitations at 14.6.3 and within specific policies).
- (d) Before taking a decision under delegated powers which may be controversial or politically sensitive the officer shall notify the relevant Cabinet Executive Member. Delegated decisions must be taken, recorded and published in accordance with the Council's Guidance<sup>36</sup> (or any policy) on the statutory requirements and procedures.
- (e) An officer may always refer a delegated decision to the Cabinet or Council or any of their respective Committees rather than make the decision.
- (f) The Managing Director may exercise any of the delegated powers in this scheme or may authorise one officer to carry out the functions of another absent officer.

### 14.6.3 General Limitations

- (a) This scheme does not delegate to officers:

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<sup>36</sup> NHDC Guidance to Members and Officers – Taking a delegated decision 2018 or any replacement

- (i) any matter exclusively reserved to Council, Cabinet or a committee;
  - (ii) any matter which by law may not be delegated to an officer.
- (b) All decisions made under delegated powers must have regard to the legal, financial, risk, equalities, social value and human resource implications of the decision.
- (c) Officers shall exercise delegated powers in accordance with the policies of the Council and the requirements of this Constitution.

#### 14.6.4 General Authorisations

(a) Managing Director, and the Service Directors

The Managing Director and the Service Directors are delegated the following functions, powers and duties for their respective service areas:

- (i) The operational management of staff;
- (ii) Entering into contracts to carry out works and/or for the supply of goods and services within approved budgets (subject also to approval of the Service Director for: Customers in respect of software or hardware contracts);
- (iii) Serving any requisition for information, notice or authorising any works in default and recovery of any related expenditure;
- (iv) Recommending legal proceedings to the Service Director for Legal and Community
- (v) To submit tenders and, where successful, to enter into contracts for the supply of goods and services to other local authorities and public bodies;
- (vi) To have responsibility for the management of health and safety in line with the Council's Health and Safety Policy;
- (vii) To consider and co-ordinate any investigation by the Local Government Ombudsman;
- (viii) To set fees and charges in accordance with the Council's Financial Regulations and relevant policies, in consultation with the Executive Member;
- (ix) National Lottery and external funding applications.

14.6.5 Delegation of Authority - **Managing Director**

|               |   |  |
|---------------|---|--|
| (a) Functions | The Managing Director shall exercise the following functions  |  |
| (i)           | To carry out the duties of the Head of Paid Service (section 4 of the Local Government & Housing Act 1989) which includes all necessary powers for:   |  |
| A             | Coordinating the discharge of all functions   |  |
| B             | Exercising overall managerial responsibility for staff  |  |
| (ii)          | To make any minor changes to terms and conditions for staff   |  |
| (iii)         | To dismiss any member of staff including (unless otherwise reserved to Committee or Full Council and excluding Statutory Officers) in accordance with legislative, Officer Employment Procedure Rules and Council's staff related policies. |  |
| (iv)          | In cases of emergency or urgency (where possible in consultation with the Leader of the Council) to carry out any Council or Executive function, power or duty  |  |
| (v)           | To represent the authority on partnerships and external bodies as required by statute or by the Council   |  |
| (vi)          | To lead the Senior Management Team  |  |
| (vii)         | To decide, in consultation with the Monitoring Officer, upon Members' "need to know" and provide for access to information and to decline access where information would be considered exempt (as defined under section 15).                |  |
| (viii)        | To be responsible for performance review issues   |  |
| (ix)          | To authorise employees of the Council to enter onto land to enable them to carry out the functions of the Council.  |  |
| (x)           | The granting of approval for staff to be allowed to undertake outside work.   |  |
| (xi)          | Attestation of the Council's Common Seal  |  |



|                              |   |  |  |
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|                              | (xiv)   | To authorise Officers to conduct directed surveillance or the use of covert human intelligence sources or the acquisition of confidential information in accordance with the Regulations of Investigatory Powers Act 2000. |  |
|                              | (xv)  | To authorise Officers to use juveniles and vulnerable individuals as covert human intelligence sources   |  |
|                              | (xvi)   | To consider any report of the Local Government Ombudsman and to settle any compensation payments up to £2000   |  |
|                              | (xvii)  | To authorise, issue vary or cancel Closure Notices to deal with nuisance or disorder or designate a person to do so under relevant legislation <sup>37</sup> .   |  |
| (b) Service Responsibilities | The Managing Director shall exercise all of the functions other than those reserved to Council, Cabinet and Committee in relation to: |  | The Executive Member responsible for leadership, strategic planning and development, partnership working and decision making within the service area shall be: |
|                              | (i)   | Growth Board   | Leader of the Council  |

#### 14.6.6 Delegation of Authority - **Service Director: Customers**

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|---------------|--|--|--|
| (a) Functions | The Service Director: Customers shall exercise the following functions |  |  |
|               | (i)  | To manage, direct and control all resources allocated to the Directorate in accordance with the Council's policies and procedures. |  |
|               | (ii)   | To be responsible for performance review issues within the Directorate.  |  |
|               | (iii)  | To be the Council's Chief Information Officer.   |  |
|               | (iv)   | To be the Council's Data Controller.   |  |

<sup>37</sup> S77(2)(b) Anti-Social Behaviour, Crime and Policing Act 2014 Power to issue Closure Notice up to 48 hours must be signed by Managing Director or person designated by them.

|                              |  |  |   |
|------------------------------|--|--|---|
|                              | (v)  | To issue applications for the acquisition of Communications data.  |   |
|                              | (vi)   | To authorise Officers to conduct directed surveillance and to act as a covert human intelligence source Handler or Controller under the Council's RIPA policy.   |   |
|                              | (vii)  | To authorise the commencement, defence, withdrawal or settlement of legal proceedings for Council tax, non-domestic rates, sundry debts, Business Improvements District levy, Housing Benefit overpayments, and parking penalty charge notices (from warrant stage). |   |
|                              | (viii)   | To authorise officers to provide a discretionary service to verify foreign national pensions <sup>38</sup> .   |   |
| (b) Service Responsibilities | The Service Director shall exercise the following functions powers and duties except those reserved to Council, Cabinet or a Committee in relation to: |  | The Executive Members responsible for leadership, strategic planning and development, partnership working and decision making within the service area shall be: |
|                              | (i)  | <u>Care functions</u><br>including the provision and management of Careline and community alarms   | Executive Member for Community Engagement   |
|                              | (ii)   | <u>Customer Services</u><br>Including  |   |
|                              | A  | the Customer service centre  | Leader of the Council to have strategic oversight; otherwise Executive Member for Community Engagement  |
|                              | B  | Coordination of complaints and ombudsman queries   | Leader of the Council   |
|                              | C  | the Telecommunications service   | Executive Member for Finance and IT   |
|                              | D  | Print contract   | Executive Member for Finance and IT   |

<sup>38</sup> This is a discretionary service and may be subject to a charge pursuant to the Local Authorities (Charges for Overseas Assistance and Public Path Orders) Regulations 1996/1978

|  |       |   |  |   |  |  |
|--|-------|---|--|---|--|--|
|  | (iii) | <u>Council Tax and Rates (revenues)</u>                                 |  | Executive Member for Finance and IT which shall include |  |  |
|  |       | Including   |  |   |  |  |
|  |       | A   | writing off debt below £5,000 and between £5,001 and £10,000 in conjunction with the Executive Member for Finance and IT   | 1   | writing off debts between £5,001 and £10,000 in conjunction with the relevant Cabinet Executive Member and Service Director: Customers   |  |
|  |       | B   | collection and administration on behalf of the Council of Council Tax, National Non-Domestic Rates, sundry debts, Business Improvements District levy, Housing Benefit overpayments, and parking penalty charge notices (from warrant stage) |   |  |  |
|  |       | C   | valuation, Administration of the National Non-Domestic Rates scheme including NNDR3 return   |   |  |  |
|  |       | D   | administration of the Housing and Council Tax Reduction Schemes including, investigation of benefit fraud and agreeing administrative penalties in lieu of legal proceedings   |   |  |  |
|  |       | E   | Cashiering and related services  |   |  |  |
|  | (iv)  | <u>Information and communications technology (ICT)</u>                  |  | Executive Member for Finance and IT which shall include |  |  |
|  |       | including approval of the acquisition of all ICT equipment and services |  | 1   | the development and application of policies, initiatives and services involving the use of information and communications technology to support the work of the Council and the Council's work with others |  |
|  |       |   |  | 2   | development and implementation of policy and strategy for the delivery of e-Government   |  |

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|  | (v)  | <u>Information management</u><br>including data protection, data quality and freedom of information<br><br><u>Direct delegation of data protection officer function</u><br><br>The Revenues Manager shall act as data protection officer for the Council and shall exercise all functions, powers and duties in this regard. | Executive Member for Finance and IT |
|  | (vi) | <u>Management Support and central administrative services</u><br><br>Including:  | None                                |
|  | A    | Contract hire  | Executive Member for Finance and IT |
|  | B    | Land Charges   | Leader of the Council               |
|  | C    | Corporate Stationery   | Executive Member for Finance and IT |

#### 14.6.7 Delegation of Authority – **Service Director: Enterprise**

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|---------------|--|--|
| (a) Functions | The Service Director: Enterprise shall exercise the following functions  |  |
| (i)           | To manage, direct and control all resources allocated to the Directorate in accordance with the Council's policies and procedures. |  |
| (ii)          | To be responsible for performance review issues within the Directorate.  |  |
| (iii)         | To maintain an overview of the Council's commercial activities/ ventures.  |  |
| (iv)          | To act or nominate to act as Director to any wholly owned Local Authority company to which the Director is appointed               |  |

|                              |  |   |   |
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|                              |  | (subject to the company's internal appointment processes and any legislative requirements).   |   |
| (b) Service Responsibilities | The Service Director shall exercise the following functions powers and duties except those reserved to Council, Cabinet or a Committee in relation to:   |   | The Leader of the Council to be responsible for Co-operative Development, including development of a Co-operative Development Strategy for the District. To the extent this is covered by the following it falls to the Leader.<br><br>Otherwise, the Executive Members responsible for leadership, strategic planning and development, partnership working and decision making within the service area shall be: |
|                              | (i)  | <u>Asset management</u><br>including  | Executive Members for Enterprise and Arts, and Finance and IT which shall include:  |
|                              | A  | agreeing terms for and accepting the surrender of leases, negotiating, agreeing and arranging for the release or modification of restrictive covenants, determining applications for licences to assign and consent to sub-let, change of use, make alterations or additions to land or premises, forfeiting (or seeking other appropriate remedy) of leases, licences and wayleaves where covenants have been broken, discharging mortgages and taking decisions under section 137 and 139 of the Local Government Act 1972 regarding Council expenditure on land held on charitable trust | 1. provision and management of the civic buildings, including the letting of accommodation at public buildings owned or occupied by the Council and not specifically under the control of another Cabinet Executive Member  |
| B                            | granting, negotiating and settling terms of leases, licences, easements, wayleaves, rent reviews, assignment of leases, the appointment of arbitrators / experts, consents, guarantees and all other minor land matters where the initial annual rent (after the expiry of any rent free period) or the premium does not exceed £500,000 provided that |   |   |

|       |                              |   |  |
|-------|------------------------------|---|--|
|       |                              | in respect of any matter where the initial rent or premium exceeds £50,000 the decision shall be made in consultation with the Executive Member for Finance and IT  |  |
|       | C                            | in consultation with the Service Director: Resources, acquisition of land where the purchase price or premium does not exceed £500,000 or such higher figure as is determined in any adopted Asset Management Strategy. |  |
| (ii)  | <u>Commercial Operations</u> | including maximisation of the Council's commercial income   | Executive Members for Enterprise and Arts and Finance and IT |
| (iv)  | <u>Economic Development</u>  | Including regeneration, neighbourhood renewal, bidding for, planning and expenditure of regeneration funding  | Executive Member for Enterprise and Arts                     |
| (v)   | <u>Markets</u>               |   | Executive Member for Enterprise and Arts                     |
| (vi)  | <u>Museum Services</u>       | Including   | Executive Member for Enterprise and Arts                     |
|       | A                            | North Hertfordshire museum and Hitchin Town Hall  |  |
|       | B                            | Exhibition galleries and art education and loan service   |  |
|       | C                            | Archaeological matters  |  |
| (vii) | <u>Project Support</u>       |   |  |

|  |        |                                       |  |
|--|--------|---------------------------------------|--|
|  | (viii) | <u>Tourism and visitor management</u> | Executive Member for Enterprise and Arts |
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#### 14.6.8 Delegation of Authority – **Service Director: Legal and Community**

|               |  |  |
|---------------|--|--|
| (a) Functions | The Service Director: Legal and Community shall exercise the following functions |  |
|               | (i)  | To manage, direct and control all resources allocated to the Directorate in accordance with the Council's policies and procedures.   |
|               | (ii)   | To be responsible for performance review issues within the Directorate.  |
|               | (iii)  | To act as Chief Legal Officer to the Council.  |
|               | (iv)   | To carry out the functions of the Monitoring Officer (Section 5 of the Local Government & Housing Act 1989 and the Local Government Act 2000).   |
|               | (v)  | To authorise changes to the Governance Policies/ Protocols/ Codes or Guidance (as the case may be) that fall within the remit of the Monitoring Officer and/ or Legal Services (and are not already covered by 14.6.9 to reflect decisions of the Council / Committees and the Cabinet, or minor ones relating to changes of fact and law, or if required for practical purposes, in order to ensure the proper administration of the Council, subject to regular notification to all Members of such changes. |
|               | (vi)   | To authorise changes to the Constitution to reflect resolutions of Council or of the Cabinet, and changes of fact and law, or if required for practical purposes, in order to ensure the proper administration of the Council, subject to regular notification to all members of such changes.   |
|               | (vii)  | To authorise consequential changes to the terms of reference of any Committee of the Council or the Cabinet, to reflect any changes of fact and law or if required for practical purposes, in order to ensure the proper administration of the Council, subject to regular notification to all members of each change.   |
|               | (viii)   | To authorise the institution, defence, withdrawal or settlement of any legal proceedings, civil or criminal (other than for Health and Safety proceedings, Council tax, non-domestic rates and sundry debts).  |

|         |  |
|---------|--|
| (ix)    | To negotiate and settle any claim or disputes without recourse to Court proceedings including the use of alternative dispute resolution.   |
| (x)     | To authorise officers of the Council to appear before the Magistrates' Court or County Court District Judges.  |
| (xi)    | To undertake the role of Senior Responsible Officer under the Council's RIPA Policy. To arrange for the discharge of the role of RIPA Co-ordinating Officer.   |
| (xii)   | To oversee the Community Right to Challenge Policy or Protocol and to process any Expression of Interest in accordance with the Council's Policies and procedures.   |
| (xiii)  | To determine and issue advice and guidelines to the Council on legal, procedural and propriety matters.  |
| (xiv)   | To make all necessary arrangements in respect of byelaws and local legislation.  |
| (xv)    | To release guarantee bonds in contracts for works and the supply of goods and services (upon the certificate of the contract manager that the contract has been completed satisfactorily and that any maintenance period has expired).   |
| (xvi)   | Attestation of the Council's Common Seal.  |
| (xvii)  | To instruct Counsel and / or retain the services of other experts or external solicitors or any matter affecting the interests of the authority.   |
| (xviii) | Certify (or authorise Officers to certify) documents on behalf the authority.  |
| (xix)   | To administer the scheme for Members' allowances including the approval of duties for Members' allowances.   |
| (xx)    | To make appointments (or where relevant nominate) Councillors or Substitutes to Committees, sub-Committees, panels, boards and outside bodies, in consultation with Group Leaders during the civic year in respect of the appointments that have previously been made at Annual Council. |
| (xxi)   | To make all necessary arrangements for Members and Member support and for all Council meetings.  |
| (xxii)  | To carry out the duties of the Electoral Registration Officer because of the Registration Officer's inability to act or because of a vacancy.  |



|                              |  |  |   |
|------------------------------|--|--|---|
|                              | (xxiii)  | To carry out the duties of the Returning Officer because of their inability to act or because of a vacancy.  |   |
|                              | (xxiv)   | Witnessing of candidates' and agents' declarations and returns as to election expenses.  |   |
|                              | (xxv)  | To receive petitions in accordance with the Council's Petition Scheme.   |   |
|                              | (xxvi)   | Receipt of petitions questioning an election.  |   |
|                              | (xxvii)  | To make decisions regarding individual submissions relating to the councillor call for action having due regard to actions already undertaken to resolve the matter in question where practicable, after consultation with the Chair of the Overview and Scrutiny Committee. |   |
|                              | (xxviii)   | To ensure a system for record keeping of all Key Decisions.  |   |
|                              | (xxix)   | To authorise the Directorate's employees to enter onto land, in accordance with relevant statutory powers to enable them to carry out the functions of the Council.  |   |
|                              | (xxx)  | To appoint the members of the Independent Remuneration Panel, having first consulted the Chief Finance Officer and Group Leaders as to any reason why member(s) not independent.   |   |
| (b) Service Responsibilities | The Service Director shall exercise the following functions powers and duties except those reserved to Council, Cabinet or a Committee in relation to: |  | The Executive Members responsible for leadership, strategic planning and development, partnership working and decision making within the service area shall be: |
|                              | (i)  | <u>Committee and member services</u>   | Executive Member for Community Engagement   |
|                              | (ii)   | <u>Community engagement</u><br>including:  | Executive Member for Community Engagement which shall include:  |
|                              | A  | financial assistance and grants to external organisations, and voluntary sector and community groups (including although not   | 1 consultation with local people to help plan and improve Council services and influence the services provided by others  |

|  |       |   |   |  |
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|  |       | limited to capital or revenue grants).  | 2   | community relations and the promotion of social cohesion and fair opportunities  |
|  |       |   | 3   | the Council's relationship with, and funding of, independent advice agencies, community centres, voluntary sector support agencies and other organisations not within the remit of other Cabinet Executive Members   |
|  |       |   | 4   | to lead on partnerships and liaisons with external agencies  |
|  |       |   | 5   | To approve grants under the Grants Policy following capital and / or revenue grant panel deliberations, or between Area Committee meeting requirements, having consulted the Chair or Vice Chair of the relevant Area Committee or where no Chair or Vice Chair – the Members of the Area Committee by majority or those responding, or confirming via virtual means, (where applicable), and Service Director: Legal and Community. |
|  | B     | population and other census information   | Executive Member for Community Engagement                     |  |
|  | (iii) | <u>Community services</u><br>including public halls, community centres and rural community buildings. | Executive Member for Community Engagement which shall include |  |
|  |       |   | 1.  | to co-ordinate and therefore try to improve the overall delivery of services provided by public bodies and voluntary organisations   |

|  |       |   |   |
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|  | (iv)  | <u>Community safety</u><br>including authorising or delegating to Officers to deal with antisocial behaviour, nuisance or disorder, including (although not limited to) Closure Notices <sup>39</sup> , Community protection (notices, fixed penalty notices, seizure of goods) under any relevant legislative powers | Executive Member for Community Engagement which shall include<br><br>1 community safety and work with the Community Safety Partnership, the police and other law enforcement agencies to reduce crime and disorder, and the fear of either; including as the Council's representative on the Police and Crime Panel |
|  | (v)   | <u>Community safety (enforcement)</u><br>including.<br>A fly tipping, byelaws and abandoned vehicles<br>B in consultation with the Service Director: Regulatory, unlawful encampments   | Executive Member for Community Engagement, with exception of environmental crime (A or B) – the Executive Member for Recycling and Waste  |
|  | (vi)  | <u>Corporate policy development</u><br>including development of the corporate plan administering area governance arrangements   | Leader of the Council which shall include<br><br>1 development and implementation of the Council's Corporate Business Planning process, in consultation with the Executive Member for Finance and IT and the Leader   |
|  | (vii) | <u>Council's Local Strategic Partnership</u><br>including operational management and support for external partnership arrangements  | Leader of the Council which shall include<br><br>1 liaison with other statutory agencies in and outside the District  |

<sup>39</sup> Not including authorising/ signing Closure Notices up to 48 hours unless designated by the Managing Director to do so.

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|  | (viii) | <u>Counter Terrorism and Security</u>  | Leader of the Council and Executive Member for Community Engagement   |
|  | (ix)   | <u>Electoral Services</u><br>including   | Executive Member for Community Engagement   |
|  |        | A proposals to vary the boundaries of the Borough and Electoral Wards and Polling Districts                          | Executive Member for Community Engagement   |
|  |        | B (subject to compulsory reviews reserved to Full Council) vary polling districts and polling stations <sup>40</sup> | In consultation with the Returning Officer, relevant ward Councillors and Group Leaders   |
|  | (x)    | <u>Equalities and Diversity</u>  | Executive Member for Community Engagement which shall include:  |
|  |        |  | 1 ensuring the Council's services are responsive and relevant to a diverse population and free from improper discrimination                           |
|  |        |  | 2 approving the monitoring of the Council's Equality and Diversity Schemes  |
|  | (xi)   | <u>Health and wellbeing</u>  | Executive Member for Community Engagement   |
|  |        |  | Executive Member for Community Engagement to have responsibility for wider public health initiatives arising from the Health and Social Care Act 2012 |
|  | (xii)  | <u>Legal Services</u>  | Leader of the Council   |

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|  | (xiii) | <u>Licensing</u><br>including all functions under all relevant Licensing legislation other than matters reserved to the Licensing and Regulation Committee and Full Council. | Executive Member for Housing and Environmental Health which shall include:<br><br>1 Setting of charges and fees for hackney carriages and private hire vehicles in consultation with the Service Director: Legal and Community and Licensing Manager <sup>41</sup> . |
|  | (xiv)  | <u>Management of Scrutiny Support</u>  | None   |
|  | (xv)   | <u>Safeguarding</u><br>Including safeguarding of vulnerable children, young people and adults  | Executive Member for Community Engagement which shall include promoting the Council's position in regard to safeguarding responsibilities across the district  |

#### 14.6.9 Delegation of Authority – **Service Director: Place**

|                              |  |   |
|------------------------------|--|---|
| (a) Functions                | The Service Director: Place shall exercise the following functions                     |   |
|                              | (i)  | To manage, direct and control all resources allocated to the Directorate in accordance with the Council's policies and procedures.                                  |
|                              | (ii)   | To be responsible for performance review issues within the Directorate.   |
|                              | (iii)  | To authorise Officers to conduct directed surveillance and to act as a covert human intelligence source Handler or Controller under the Council's RIPA policy.      |
|                              | (iv)   | To authorise the Directorate's employees to enter onto land, in accordance with relevant statutory powers to enable them to carry out the functions of the Council. |
| (b) Service Responsibilities | <u>Service Director</u><br>The Service Director shall exercise the following functions | <u>Executive Member</u><br>The Executive Members responsible for leadership,  |

<sup>41</sup> NB unless legally reserved as a non-executive function.

|       |  |   |
|-------|--|---|
|       | powers and duties except those reserved to Council, Cabinet or a Committee in relation to:   | strategic planning and development, partnership working and decision making within the service area shall be:   |
| (i)   | <u>Active Communities</u><br>including sports & physical activity development in the community   | Executive Member for Community Engagement   |
| (ii)  | <u>Environmental Services</u><br>including cemeteries, crematoria, burials and related services and public conveniences  | Executive Member for Environment, Leisure & Green Spaces  |
| (iii) | <u>Grounds Maintenance</u><br>including war memorials, provision and maintenance of trees, the management and maintenance of footpaths and bridleways and the Council's provision of arboricultural services   | Executive Member for Environment, Leisure & Green Spaces which shall include<br>1 Public health activities and contribution to wellbeing of the local population so far as it relates to this portfolio |
| (iv)  | <u>Land drainage</u>   | Executive Member for Environment, Leisure & Green Spaces  |
| (v)   | <u>Leisure Management</u><br>including sports centres, swimming pools, sports and recreation grounds and leisure strategy development  | Executive Member for Environment, Leisure & Green Spaces  |
| (vii) | <u>Parks and Open Spaces</u><br>including public art in open spaces, allotments, and promotion of health wellbeing promotion and activity through leisure and use of open spaces<br><br>licensing of events on Council land: issuing or refusing a licence (with or without conditions or restrictions) to | Executive Member for Environment, Leisure & Green Spaces  |

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|  |        | applicants for events  |   |
|  | (viii) | <u>Waste collection and waste management</u><br>including recycling and waste minimisation under any enabling legislation (including waste-related enforcement: littering, graffiti and waste receptacle offences) | Executive Member for Recycling and Waste Management               |
|  | (ix)   | Communications including public relations and consultations  | Leader of the Council & Executive Member for Community Engagement |
|  | (x)    | To act as the Lead Officer for Climate change and green issues   | Executive Member for Environment, Leisure & Green Spaces          |

#### 14.6.10 Delegation of Authority – **Service Director: Regulatory**

|               |   |  |
|---------------|---|--|
| (a) Functions | The Service Director: Regulatory shall exercise the following functions |  |
|               | (i)   | To manage, direct and control all resources allocated to the Directorate in accordance with the Council's policies and procedures.   |
|               | (ii)  | To be responsible for performance review issues within the Directorate.  |
|               | (iii)   | To authorise Officers to conduct directed surveillance and to act as a covert human intelligence source Handler or Controller under the Council's RIPA policy  |
|               | (iv)  | To authorise Consultants in Communicable Disease Control of Public Health England, to act on behalf of the Council as Proper Officer in the exercise of statutory functions relating to the control of infections and other disease and food poisoning |

|                              |  |  |   |
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|                              | (v)  | To authorise Officers to act as an Inspector under the Health and Safety at Work etc Act 1974, such Inspectors are authorised to institute proceedings and prosecute under the Health and Safety at Work etc Act 1974 following consultation with the Service Director: Legal and Community Services           |   |
|                              | (vi)   | To discharge the functions of the Appointing Officer under the Party Wall etc. Act 1996  |   |
|                              | (vii)  | To authorise the Directorate's employees to enter onto land, in accordance with relevant statutory powers to enable them to carry out the functions of the Council   |   |
|                              | (viii)   | In the absence of the Managing Director to exercise the functions, powers or duties of the Managing Director   |   |
| (b) Service Responsibilities | The Service Director shall exercise the following functions powers and duties except those reserved to Council, Cabinet or a Committee in relation to: |  | The Executive Members responsible for leadership, strategic planning and development, partnership working and decision making within the service area shall be: |
|                              | (i)  | <u>Building Control</u><br>including client-side Building Control company operational matters as required under any agreements, in addition to all activities relating to discharge of the Council's function as the Local Building Regulation Authority.  | Executive Member for Planning and Transport   |
|                              | (ii)   | <u>Car Parking</u><br>including enforcement of on and off street parking orders including residential parking zones.   | Executive Member for Planning and Transport   |
|                              | (iii)  | <u>Environmental Health and enforcement functions</u><br>Including sewers, drains and private water supplies, caravan sites, housing safety and fitness of premises, domestic energy conservation, health and safety at work, food safety and hygiene, pest control, animal welfare and communicable diseases. | Executive Member for Housing and Environmental Health   |



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| (iv)  | <u>Environmental Protection and enforcement functions</u><br>including.              |  | Executive Member for Housing and Environmental Health  |  |
|       | A  | contaminated land, air quality, statutory nuisances, controlled processes  |  |  |
| B     | in consultation with the Service Director: Legal and Community, unlawful encampments |  |  |  |
| (v)   | <u>Highways enforcement matters delegated by Hertfordshire County Council</u>        |  | Executive Member for Planning and Transport            |  |
| (vi)  | <u>Housing and homelessness</u><br>including housing grants and loans                |  | Executive Member for Housing and Environmental Health  |  |
| (vii) | <u>Planning</u><br>Including:  |  | Executive Member for Planning and Transport including: |  |
|       | A  | all functions of the Local Planning Authority primarily Planning Policy and Development Control (including enforcement functions, authorising expenditure of planning obligation monies and Environmental Impact Assessment functions, Tree Preservation Orders) other than matters reserved to the Planning Control Committee | 1  | monitoring the Council's annual report on the Local Plan and making submissions on the same to regional bodies and other external agencies |
|       | B  | all functions relating to National Infrastructure Planning including co-ordination of the Council's  | 2  | responsibility for strategic planning and organisational development   |

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|  |        | response to any consultation, examination or other any other matter concerned with major infrastructure projects. | 3 | proposals for the Council's planning policies relating to land use (including the Local Plan), for recommendation to full Council, and supplementary guidance  |
|  |        |   | 4 | planning briefs for individual development sites   |
|  |        |   | 5 | responses to planning guidance and planning policy statements from Government and other local agencies and authorities impacting on the District   |
|  |        |   | 6 | co-ordination of the Council's response to major developments on private land or developments affecting the streetscape, where these have not been explicitly reserved to another Cabinet Executive Member |
|  |        |   | 7 | the Council's policies for identifying, and preserving conservation areas  |
|  |        |   | 8 | the Council's provision of development and strategic planning and enterprise services  |
|  | (viii) | <u>Public health functions under the Public Health Acts and related legislation</u>                               |   | Executive Member for Housing and Environmental Health  |
|  | (ix)   | <u>Traffic management</u><br>including the creation of on and off street parking orders and street closure orders |   | Executive Member for Planning and Transport  |
|  | (x)    | <u>Transportation matters</u><br>including Footpaths and bridleways (protection,                                  |   | Executive Member for Planning and Transport which shall include  |

|  |      |  |   |  |
|--|------|--|---|--|
|  |      | creation, diversion, modification and extinguishment), Highways England matters, street lighting and furniture and the naming and numbering of streets, Highways matters delegated by Hertfordshire County Council, Public transport issues and Goods Vehicles Operators Licences. | 1   | leading on the Council's arrangements for highways matters including partnership and agency arrangements   |
|  |      |  | 2   | development and implementation of the Council's Transport Strategy and Initiatives and representing the Council's views on regional transport issues |
|  | (xi) | High hedges  | Executive Member for Planning and Transport – any Executive liaison as may be required. |  |

#### 14.6.11 Delegation of Authority – **Service Director: Resources**

|               |  |  |
|---------------|--|--|
| (a) Functions | The Service Director: Resources shall exercise the following functions |  |
|               | (i)  | To manage, direct and control all resources allocated to the Directorate in accordance with the Council's policies and procedures.   |
|               | (ii)   | To be responsible for performance review issues within the Directorate.  |
|               | (iii)  | To carry out the functions of the Section 151 officer  |
|               | (iv)   | Attestation of the Council's Common Seal   |
|               | (v)  | To authorise consequential changes to the Financial Regulations to reflect resolutions of Council or of the Executive, and changes of fact and law, or if required for practical purposes, in order to ensure the proper administration of the Council, subject to regular notification to all members of such changes |
|               | (vi)   | To be responsible for setting the Council's corporate health and safety policy and ensuring the provision of relevant advice and systems in accordance with legislation  |
|               | (vii)  | To be responsible for the proper administration of Council charities and their assets  |

|                              |  |  |   |
|------------------------------|--|--|---|
|                              | (viii)   | To be the Council's Anti Money Laundering Reporting Officer  |   |
|                              | (ix)   | To carry out the duties of the Emergency Planning Officer with all necessary power to act and incur expenditure.   |   |
|                              | (x)  | To make arrangements for the consideration and determination of applications to: list and removal Assets of Community Value (in consultation with Officers nominated by the Service Director), whether compensation should be paid and of payment of associated costs. To also ensure that any reviews of listings are undertaken in accordance with the relevant legislation. |   |
| (b) Service Responsibilities | The Service Director shall exercise the following functions powers and duties except those reserved to Council, Cabinet or a Committee in relation to: |  | The Executive Members responsible for leadership, strategic planning and development, partnership working and decision making within the service area shall be:   |
|                              | (i)  | <u>Assets/ buildings (maintenance)</u><br><br>Including  | Executive Member for Finance and IT which shall include   |
|                              | A  | disposal of land and buildings, where such land has been declared surplus to requirements for a sale price or premium which does not exceed £250,000 provided that if the disposal is proposed at an undervalue the Service Director shall always consider whether a referral to Cabinet is necessary  | 1 the disposal of the Council's property interests (by sale or lease in accordance with the Council's agreed Assets Disposal Strategy) where the sale price, premium or initial annual rent (after the expiry of any rent free period) does not exceed £250,000 |
|                              | B  | in consultation with the Service Director: Enterprise, acquisition of land where the purchase price or premium does not exceed £500,000 or such higher figure as is determined in any adopted Asset Management Strategy.   |   |
|                              | (ii)   | <u>CCTV Client Lead Officer</u>  | Executive Member for Community Engagement & CCTV Joint Executive Committee  |
| (iii)                        | <u>Emergency planning</u>  | The Executive Member for Finance and IT  |   |

|   |   |   |  |   |   |   |   |   |  |   |   |   |                                       |
|---|---|---|--|---|---|---|---|---|--|---|---|---|---------------------------------------|
|   |   | Including operational management (section 138 of the Local Government Act 1972) under general direction of the Emergency Planning Officer   |  |   |   |   |   |   |  |   |   |   |                                       |
|   | (iv)  | <p><u>Financial resources</u></p> <p>including treasury management limits within the Council's budget strategy, the Council's banking arrangements, procurement, financial and accounting arrangements subject to any limits set out in the Financial Regulations, service reviews, performance statistics and all aspects of the Council's efforts to secure improvements in quality of services and cost improvements</p> | <p>Executive Member for Finance and IT which shall include</p> <table border="1"> <tr> <td>1</td> <td>in-year changes to the Council's Capital Programme in line with the Financial Regulations per project</td> </tr> <tr> <td>2</td> <td>Budget planning and all action necessary to maintain overall budget control within the cash limits agreed by full Council (in conjunction with the Leader of the Council)</td> </tr> <tr> <td>3</td> <td>development and implementation of the Corporate Business Planning process, in consultation with the Leader</td> </tr> <tr> <td>4</td> <td>use of reserves and any contingency budgets, within the total budget agreed by full Council</td> </tr> <tr> <td>5</td> <td>overall strategy for fees and charges</td> </tr> </table> | 1 | in-year changes to the Council's Capital Programme in line with the Financial Regulations per project | 2 | Budget planning and all action necessary to maintain overall budget control within the cash limits agreed by full Council (in conjunction with the Leader of the Council) | 3 | development and implementation of the Corporate Business Planning process, in consultation with the Leader | 4 | use of reserves and any contingency budgets, within the total budget agreed by full Council | 5 | overall strategy for fees and charges |
| 1 | in-year changes to the Council's Capital Programme in line with the Financial Regulations per project   |   |  |   |   |   |   |   |  |   |   |   |                                       |
| 2 | Budget planning and all action necessary to maintain overall budget control within the cash limits agreed by full Council (in conjunction with the Leader of the Council) |   |  |   |   |   |   |   |  |   |   |   |                                       |
| 3 | development and implementation of the Corporate Business Planning process, in consultation with the Leader  |   |  |   |   |   |   |   |  |   |   |   |                                       |
| 4 | use of reserves and any contingency budgets, within the total budget agreed by full Council   |   |  |   |   |   |   |   |  |   |   |   |                                       |
| 5 | overall strategy for fees and charges   |   |  |   |   |   |   |   |  |   |   |   |                                       |
|   | (v)   | <u>Health and Safety of staff</u>   | Leader of the Council  |   |   |   |   |   |  |   |   |   |                                       |
|   | (vi)  | <p><u>Human Resources</u></p> <p>including corporate employment policies and operational employment advice, measures to manage productivity and reduce sickness absence, employment and training policies and strategies, organisational development and the provision of core training services to the rest of the Council.</p>  | <p>Leader of the Council and the Executive Member for Finance and IT shall include</p> <table border="1"> <tr> <td>1</td> <td>matters to do with officers leaving the Council's service</td> </tr> <tr> <td>2</td> <td>payroll and other financial benefits for staff</td> </tr> </table>  | 1 | matters to do with officers leaving the Council's service   | 2 | payroll and other financial benefits for staff  |   |  |   |   |   |                                       |
| 1 | matters to do with officers leaving the Council's service   |   |  |   |   |   |   |   |  |   |   |   |                                       |
| 2 | payroll and other financial benefits for staff  |   |  |   |   |   |   |   |  |   |   |   |                                       |

|  |        |  |   |
|--|--------|--|---|
|  | (vii)  | <u>Insurance and risk</u>  | Executive Member for Finance and IT   |
|  | (vii)  | <u>Shared Internal audit and anti-fraud service</u>  | Executive Member for Finance and IT   |
|  | (viii) | <u>Stock Transfer Agreement</u><br>including approvals for all transactions pursuant to the Community Benefit Fund, in consultation with the appropriate Cabinet Executive Member (Finance or Housing); and approvals for any overage, claw back or similar arrangement pursuant to the Stock Transfer Agreement | Executive Member for Finance and IT and Executive Member for Housing and Environmental Health |
|  | (ix)   | <u>Performance (overall monitoring and reporting)</u>  | The Leader of Council, unless delegated to Overview & Scrutiny Committee                      |
|  | (x)    | <u>Procurement</u>   | Executive Member for Finance and IT   |

#### 14.6.13 Proper Officers Schedule

The Council may designate any of its officers to carry out specific statutory functions. This officer is referred to in the Statutory provisions as the “Proper Officer”. This schedule confirms the officers appointed as the Proper Officer for the specific functions listed.

| <b>Legislative Provision</b>     | <b>Function</b>   | <b>Proper Officer</b>  |
|----------------------------------|---|--|
| <b>Local Government Act 1972</b> |   |  |
| S.83(1) to (4)                   | Witness and receipt of Declaration of Acceptance of Office  | Director: Legal and Community  |
| S.84(1)                          | Receipt of notice of resignation of elected members   | Returning Officer/<br>Service Director: Legal and Community                    |
| S.88(2)                          | Convening a meeting of Council to fill a casual vacancy in the office of Chair  | Managing Director/<br>Service Director: Legal and Community                    |
| S.89(1)                          | Notice of casual vacancy  | Returning Officer/<br>Service Director: Legal and Community                    |
| S.100 (except 100(D))            | Admission of public (including press) to meetings   | Service Director: Legal and Community  |
| S.100(B)(2)                      | The officer also may exclude from agendas any information which is likely to be dealt with in the absence of press and public | Service Director: Legal and Community/<br>Committee, Member & Scrutiny Manager |
| S.100(B)(7)                      | The officer to supply to newspapers copies of documents supplied to councillors   | Service Director: Legal and Community/<br>Committee, Member & Scrutiny Manager |
| S.100(C)(2)                      | The officer to prepare a written summary of the proceedings at committees and sub-committees                                  | Committee, Member & Scrutiny Manager   |
| S.115(2)                         | Receipt of money due from officers  | Service Director: Resources  |
| S.146(1)(a) and (b)              | Declarations and certificates with regard to transfer of securities   | Service Director: Resources  |
| S.151 (and S.114)                | The officer responsible for the   | Service Director:  |

| <b>Legislative Provision</b>          | <b>Function</b>   | <b>Proper Officer</b>                                       |
|---------------------------------------|---|---|
| Local Government and Finance Act 1988 | proper administration of the Council's financial affairs                              | Resources   |
| S.191                                 | Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent | Service Director: Resources                                 |
| S.225                                 | Deposit of documents  | Service Director: Legal and Community                       |
| S.228(3)                              | Accounts for inspection by any member of the Council                                  | Service Director: Resources                                 |
| S.229(5)                              | Certificate of photographic copies of documents                                       | Managing Director/<br>Service Director: Legal and Community |
| S.236(9) and (10)                     | Sending of copies of byelaws to parish councils, parish meetings and County Council   | Managing Director/<br>Service Director: Legal and Community |
| S.238                                 | Certification of byelaws  | Managing Director/<br>Service Director: Legal and Community |
| S.248(2)                              | Officer who will keep the Roll of Freemen   | Managing Director   |
| <b>Schedule 12</b>                    |   |   |
| <b>Local Government Act 1972</b>      |   |   |
| Para 4(2)(b)                          | Signing of summons to Council meeting   | Service Director: Legal and Community                       |
| Para 4(3)                             | Receipt of notice about address to which summons to meeting is to be sent             | Service Director: Legal and Community                       |
| <b>Schedule 14</b>                    |   |   |
| Para 25                               | Certification of resolution passed under this paragraph                               | Service Director: Legal and Community                       |
| <b>Schedule 16</b>                    |   |   |
| Para 28<br>(amended by the            | Deposits of lists of buildings of special architectural or historic interest          | Director: Regulatory  |



| <b>Legislative Provision</b>                                | <b>Function</b>   | <b>Proper Officer</b>   |
|---|---|---|
| Planning<br>(Consequential<br>Provisions) Act 1990)         |   |   |
| <b>Local Government Act 1974</b>                            |   |   |
| S.30(5)   | To give notice that copies of an<br>Ombudsman's report are<br>available   | Managing Director   |
| <b>Local Government (Miscellaneous Provisions) Act 1976</b> |   |   |
| S.41(1)   | The officer who will certify copies<br>of evidence of resolutions and<br>minutes of proceedings   | Committee, Member &<br>Scrutiny Manager                                   |
| <b>Local Authorities Cemeteries Order 1977</b>              |   |   |
| Article 10  | To sign exclusive rights of burial  | Director: Place   |
| <b>Representation of the People Act 1983</b>                |   |   |
| S.9   | Registration Officer  | Democratic Services<br>Manager /Service Director:<br>Legal & Community    |
| S.24  | Returning Officer for Local<br>Elections  | Democratic Services<br>Manager /Service Director:<br>Legal & Community    |
| S.28  | Acting Returning Officer for<br>a Parliamentary Election  | Democratic Services<br>Manager /Service Director:<br>Legal & Community    |
| S.82 and 89   | Receipt of election expense<br>declarations and returns and<br>the holding of those<br>documents for public<br>inspection                     | Democratic Services<br>Manager / Service Director:<br>Legal & Community   |
| <b>Police Reform and Social Responsibility Act 2011</b>     |   |   |
| S.54  | To act as police area Returning<br>Officer or local Returning Officer<br>for police and crime<br>commissioner elections (if so<br>designated) | Democratic Services<br>Manager /Service<br>Director: Legal &<br>Community |

| <b>Legislative Provision</b>  | <b>Function</b>   | <b>Proper Officer</b>  |
|---|---|--|
| <b>Local Government and Housing Act 1989</b>  |   |  |
| S.2(4)  | Recipient of the list of politically restricted posts   | Services Director:<br>Legal and Community                                |
| S.3   | Employers certificate for exemption from politically restricted posts   | Monitoring Officer   |
| S.4   | Head of the Paid Service  | Managing Director  |
| S.5   | The Monitoring Officer  | Service Director: Legal and Community                                    |
| S.15  | Officers to receive notices relating to membership of political groups  | Managing Director  |
| <b>Local Government (Committees and Political Groups) Regulations 1990</b>  |   |  |
|   | For the purpose of the composition of committees and nominations to political groups                                    | Managing Director/<br>Service Director: Legal and Community              |
| <b>Local Authorities (Standing Orders) (England) Regulations 2001</b>   |   |  |
|   | Officer who will give written notice of appointment or dismissal of officers listed in Schedule 1, Part II, Paragraph 3 | Managing Director  |
| <b>Local Government Act 2000</b>  |   |  |
|   | All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation                       | Monitoring Officer   |
| <b>The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012</b> |   |  |
| Regulation 12   | Recording of executive decisions made at meetings of the Cabinet  | Director of Legal and Community/<br>Committee, Member & Scrutiny Manager |
| Regulation 14   | Inspection of documents following executive decisions   | Director of Legal and Community/<br>Committee, Member &                  |

| <b>Legislative Provision</b>                       | <b>Function</b>   | <b>Proper Officer</b>  |
|--|---|--|
|  |   | Scrutiny Manager   |
| Regulation 15                                      | Inspection of background papers   | Director of Legal and Community/<br>Committee, Member & Scrutiny Manager |
| Regulation 13                                      | Individual executive decisions  | Director of Legal and Community/<br>Committee, Member & Scrutiny Manager |
| Regulation 7                                       | Access to agenda and connected reports  | Director of Legal and Community/<br>Committee, Member & Scrutiny Manager |
| Regulation 9                                       | Publicity in connection with Key Decisions  | Director of Legal and Community/<br>Committee, Member & Scrutiny Manager |
| Regulation 10                                      | General exception relating to publicity in connection with Key Decisions                | Director of Legal and Community/<br>Committee, Member & Scrutiny Manager |
| Regulation 16                                      | Members' rights of access to documents  | Managing Director/<br>Monitoring Officer                                 |
| Regulation 20                                      | Confidential/exempt information and exclusion of public from meetings                   | Service Director of Legal and Community                                  |
| <b>Public Health (Control of Disease) Act 1984</b> |   |  |
| S.31   | Certification by officer of need for disinfection of premises                           | Service Director:<br>Regulatory  |
| S.32   | Certification by officer of need to remove person from infected house                   | Service Director:<br>Regulatory  |
| <b>Public Health Act 1936</b>                      |   |  |
| S.85(2)  | To serve notice requiring remedial action where there are verminous persons or articles | Service Director:<br>Regulatory  |

| <b>Legislative Provision</b>  | <b>Function</b>                                       | <b>Proper Officer</b>           |
|-------------------------------|---|---------------------------------|
| <b>Public Health Act 1961</b> |   |                                 |
| S.37                          | Control of any verminous article                      | Service Director:<br>Regulatory |
| <b>Localism Act 2011</b>      |   |                                 |
| s.33                          | Dispensations from section 31(4)<br>Localism Act 2011 | Monitoring Officer              |

#### 14.6.14 Delegations of Executive Function for inclusion in the Scheme of Delegation

In accordance with the Cabinet Procedure Rules and Terms of Reference executive functions will be delegated to the Cabinet Portfolios detailed on the Council's website:

<https://www.north-herts.gov.uk/home/council-and-democracy/councillors-mps-and-meps/councillor-duties-and-responsibilities>.

#### 14.6.15 Extent of Delegated Authority

The extent of the authority delegated to these Executive Members will be limited to:

- (a) Decisions which have a cost or saving less than the European Union Procurement threshold for Supplies and Services such as the limit may be from time to time.
- (b) Any decision which is not otherwise delegated to Committees or officers as detailed in the Scheme of Delegation.
- (c) In discharging any functions that have been delegated, the Cabinet Executive Member must act lawfully. This means that that the Cabinet Executive Member must act within the scope of the authority that is delegated to them in accordance with any limits within the delegation, the Constitution, Council policies, procedure rules and the Members' Code of Conduct. Where an issue affects more than one Portfolio, the respective holders of those Portfolios shall consult with each other, officers and the Leader to agree where the decision will be taken.

#### 14.6.16 Leader of the Council

14.6.16.1 The scope of the Leader's responsibilities spans all Portfolios, ensuring co-ordination and a coherent approach to the Council's decision making. The Leader can make any decision which is delegated to any Executive Member.

14.6.16.2 The Leader will appoint the Deputy Leader and members of Cabinet and allocate responsibility for the discharge of executive functions.

- 14.6.16.3 The Leader is appointed for a four year term.
- 14.6.16.4 The Deputy Leader will have the powers and responsibilities of the Leader when the Leader is absent or unable to act (including portfolio and statutory responsibilities).
- 14.6.16.5 In discharging this role, the Leader is specifically responsible for leadership, strategic planning and development, partnership working and decision making within the following policy and service areas:-
- (a) the development of overall strategic and financial plans for the Council and the promotion of both existing and new strategies and plans;
  - (b) overall control of the revenue and capital finances of the Council, in conjunction with the Executive Member with responsibility for those matters
  - (c) the production and publication of the Council's Forward Plan;
  - (d) the Council's contribution to the life of the District and the sub-region;
  - (e) the Council's overall contribution to the health and wellbeing of the district in conjunction with other Executive Members with responsibility for services contributing to "public health";
  - (f) the functioning of Council's Cabinet and the executive powers it holds, including the allocation of responsibilities to the full Cabinet, individual Cabinet Portfolios and Area Committees; the appointment and dismissal of those Cabinet Executive Members; the appointment of Cabinet committees and sub-committees and the delegation of executive authority to officers;
  - (g) partnership working across the Council's services, including sharing arrangements with other Councils;
  - (h) consultation with local people to help plan and improve Council services and influence the services provided by others;
  - (i) speaking up on matters of local concern and representing the views of the Council to Government and its agents and to others;
  - (j) appointments to outside organisations between meetings of the Council;

14.6.17 Matters of General Delegation

Each Cabinet Executive Member is responsible for:-

- (k) leadership, strategic planning and development, partnership working and decision making within the service areas allocated to them in section 14 of this Constitution.

- (l) the proper administration of the Council's services;
- (m) the efficient use and day-to-day maintenance of Council premises;
- (n) ensuring budget control;
- (o) approving use of specific grants and/or funding from non-governmental sources, and any annual delivery plans and agreements in relation to such funding;
- (p) approving funding exceeding £5,000 per annum to voluntary and other organisations within their Portfolio, and approving jointly with other Cabinet Executive Members where the application affects more than one Portfolio;
- (q) the continuous improvement of the Council's services through a programme of work;
- (r) liaising with the relevant Council Overview and Scrutiny Committee;
- (s) decisions proposed and made. Delegated decisions must be taken, recorded and published in accordance with the Council's Guidance<sup>42</sup> (or any policy) on the statutory requirements and procedures;
- (t) the promotion of the Council's policies and communication with the public as appropriate through local and other media, ensuring always that publications are compliant with the Council's Communications Strategy;
- (u) proposing and responding to Government and its agents, and to those sharing common cause and others on matters defined by their responsibilities;
- (v) responding directly to governmental and other consultation papers on behalf of the Council, where the view of the Council has been requested;
- (w) making minor amendments to adopted strategies, policies and procedures;
- (x) the promotion of the Council's existing policies;
- (y) speaking up on matters of local concern and acting as the main Council spokesman on issues within their Portfolio;
- (z) the disposal of non-property assets between £5,001 and £100,000 and between £100,001 and £250,000 in conjunction with the Cabinet Executive Member for Finance;

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<sup>42</sup> NHDC Guidance to Members and Officers – Taking a delegated decision 2015

- (aa) providing input for procurement exercises within their Portfolio, in accordance with the Contract Procurement Rules;
- (bb) approving variations to contracts in accordance with the Contract Procurement Rules;
- (cc) approving proposals for the disposal of property valued under £250,000 in respect of the functions for which they are responsible, in conjunction with the Cabinet Executive Member for Finance;
- (dd) applying for planning permission for the Council's own development schemes;
- (ee) applying for conservation area consent, listed building consent or any other permissions or consents necessary to progress the Council's own development schemes; and
- (ff) responding to consultation with officers on setting new external fees and charges and revising current ones.
- (gg) press and publicity activity so far as it relates to the scope of their Portfolio.

#### 14.6.18 Deputies to Executive Members

In a joint administration a 'deputy' to an Executive portfolio holder may be appointed. That deputy will be invited to attend relevant meetings of the Executive (formal or informal) where executive functions are discussed, give their opinion and for this to be taken into account by the Executive decision maker or Cabinet, although they are not formally part of the Cabinet Executive nor an Executive decision maker. This does not apply to the Deputy Leader who is appointed to acts as per section 5.4.

#### 14.6.19 Procedural Rules

Where an Executive Member is to take a decision which is outside the Key Decision definitions under their delegated powers, they will give at least 5 days notice of the matter to be decided, in the Members Information Service (MIS). The date and time for taking the decision will be included. Members may then request details of the decision to be made and make written representations on the matter, for consideration by the Executive Member.

**WHEN MAKING THE DECISION THE EXECUTIVE MEMBER WILL CONSIDER A WRITTEN REPORT FROM OFFICERS AND WILL MAKE THEIR DECISION IN PUBLIC, RECORDING THE DECISION(S) AND REASON(S) FOR IT. ONCE THE DECISION HAS BEEN MADE, NOTICE OF THE DECISION(S) AND THE REASON(S) WILL BE GIVEN IN MIS.**