

## **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 Appeals 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 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/Strategic Director of Planning Housing and Enterprise
All those functions for which the Council is responsible relating to the	Planning Control Committee/Licensing and Appeals Committee/ Strategic

<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>
protection and treatment of hedgerows, the preservation of trees and complaints about high hedges	Director of Planning Housing and Enterprise
All those functions for which the Council is responsible relating to public rights of way	Planning Control Committee/ Strategic Director of Planning Housing and Enterprise
All those functions for which the Council is responsible relating to licensing and registration and the grant of consents and refusals	Licensing and Appeals Committee/ Strategic Director of Planning Housing and Enterprise
Functions relating to Smoke free premises	Strategic Director of Planning Housing and Enterprise
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)	Strategic Director of Planning Housing and Enterprise
All those functions relating to elections	Council/Chief Executive
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
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	Council/Chief Executive and Directors

<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>
their dismissal)	
Duty to make arrangements for the proper administration of financial affairs	Council
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	Council/Chief Executive
Power to make a closing order on a takeaway food shop	Strategic Director of Planning Housing and Enterprise
Powers relating to overview and scrutiny committee	Council
"Proper Officer" under section 13(3) Local Government Act 1972, to act as Parish Trustee to a Parish Meeting (in a parish not having a separate parish council).	Democratic Services Manager

#### 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 Regulation 2 and Schedule 1 of the Regulations)	Cabinet	Strategic Directors
Determination of an appeal against any decision of the Authority	Council	Licensing and Appeals Committee
The discharge of any function relating to the control of pollution, the management of air quality or contaminated land	Cabinet	Strategic Director of Planning Housing and Enterprise
The service of an abatement notice for a statutory nuisance	Cabinet	Strategic Director of Planning Housing and Enterprise
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply	Cabinet	Strategic Director of Planning Housing and Enterprise
Inspections for statutory nuisance	Cabinet	Strategic Director of Planning Housing and Enterprise
Investigation of any complaint as to the existence of a statutory nuisance	Cabinet	Strategic Director of Planning Housing and Enterprise
Obtaining information under Section 330 Town and Country Planning Act 1990 as to interests in land	Cabinet	Strategic Director of Planning Housing and Enterprise
Obtaining of particulars of persons interested in land under Section 16 Local Government (Miscellaneous Provisions) Act 1976	Cabinet	General delegation to Chief Executive, Directors and Heads of Services
The appointment or revocation of appointment of any individual to any office/body other than the Council	Council	Chief Executive
The making of agreements with other local authorities and	Council	Chief Executive

Function	Decision Making Body	Delegated to
external agencies for the placing of staff and joint working arrangements		

## 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 13 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 Chief Executive (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>18</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 Chief Executive 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>18</sup> NHDC Guidance to Members and Officers – Taking a delegated decision 2015

- (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) Chief Executive, the Deputy Chief Executive<sup>19</sup>, the Strategic Directors, Heads of Service and Corporate Managers

The Chief Executive, the Deputy Chief Executive, Strategic Directors, Heads of Service and Corporate Managers 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 Strategic Director of Finance, Policy and Governance for IT 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 Chief Legal Officer;
- (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 operational management of the 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 - Chief Executive

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<sup>19</sup> Amendments to 14.6.4 & 14.6.5 with reference to Deputy Chief Executive made under delegated decision 31.10.17

- (a) The Chief Executive shall exercise the following functions (and may delegate such functions, powers and duties to the Deputy Chief Executive):
- (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. Co-ordinating 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 Strategic Directors, Heads of Service and Corporate Managers (unless otherwise reserved to Committee or Full Council and excluding Statutory Officers) either by way of redundancy or any other appropriate use of the 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 ensure a system for record keeping of all Key Decisions.
  - (viii) 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 15.10.4).
  - (ix) To be responsible for performance review issues.
  - (x) To carry out the duties of the Electoral Registration Officer.
  - (xi) To carry out the duties of the Returning Officer.
  - (xii) To carry out the duties of the Emergency Planning Officer with all necessary power to act and incur expenditure.
  - (xiii) To authorise employees of the Council to enter onto land where necessary to enable them to carry out the functions of the Council.
  - (xiv) The granting of approval for staff to be allowed to undertake outside work.
  - (xv) Attestation of the Council's Common Seal.

- (xvi) 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.
- (xvii) To authorise Officers to use juveniles and vulnerable individuals as covert human intelligence sources.
- (xviii) To consider any report of the Local Government Ombudsman and to settle any compensation payments up to £1000.
- (xix) Management of Scrutiny Support.
- (xx) 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>20</sup>.
- (xxi) To maintain an overview of the Council's commercial activities/ventures.

(b) Service Responsibilities

The Chief Executive shall discharge all of the functions other than those reserved to Council, Cabinet and Committee in relation to:

- (i) Electoral Services;
- (ii) Committee and member services.

14.6.6 Delegation of Authority - Strategic Director of Customer Services

(a) The Director 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.

(b) Service Responsibilities

- (i) The Director shall exercise the following functions powers and duties except those reserved to Council, Cabinet or a Committee in relation to:

A. Customer Services including:

- 1 The Customer service centre;

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<sup>20</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 Chief Executive or person designated by him/her.

- 2 Coordination of complaints and ombudsman queries;
  - 3 The Telecommunications service;
  - 4 Reprographics and corporate stationery;
  - 5 The Courier and member mail service.
- B. Public Relations and Consultation;
- C. Human Resources including corporate employment policies and operational employment advice;
- D. Leisure services including:
- 1 Sports centres and swimming pools;
  - 2 Sports and recreation grounds;
  - 3 Markets;
  - 4 Leisure strategy development;
  - 5 Tourism and visitor management.
- E. Environmental Services including:
- 1 Maintenance of parks, open spaces and allotments;
  - 2 Cemeteries, crematoria, burials and related services;
  - 3 Arboriculture;
  - 4 Public conveniences;
  - 5 Street cleansing;
  - 6 Waste collection (including waste-related enforcement: littering, graffiti, fly-posting, unauthorised distribution of free literature on designated land, waste receptacle offences), recycling and waste minimisation under any enabling legislation;
  - 7 Land drainage.
- F. Operational management of emergency planning (section 138 of the Local Government Act 1972) under general direction of the Emergency Planning Officer;
- G. Museum Services including Exhibition galleries and art education and loan service;

H. Enforcement of on and off street parking orders including residential parking zones.

14.6.7 Delegation of Authority - Strategic Director of Finance Policy and Governance

(a) The Director shall exercise the following functions:

- (i) To carry out the functions of the Section 151 officer;
- (ii) To manage direct and control all resources allocated to the Directorate in accordance with Council policies and procedures;
- (iii) Attestation of the Council's Common Seal;
- (iv) In cases of emergency or urgency to exercise any of the functions powers or duties of the Chief Executive;
- (v) To be responsible for performance review issues within the Directorate;
- (vi) 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.
- (vii) To consider and determine applications for Review of: the decision to list an Asset of Community Value, whether compensation should be paid and of payment of associated costs.
- (viii) To appoint the members of the Independent Remuneration Panel, having first consulted the Monitoring Officer and Group Leaders as to any reason why member(s) not independent.

(b) Service Responsibilities

- (i) The Director shall exercise the following functions powers and duties except those reserved to Council, Cabinet or a Committee in relation to:
  - A. Insurance arrangements and risk management;
  - B. Management of financial resources including:
    - 1 Treasury Management limits within the Council's budget strategy;
    - 2 the Council's banking arrangements;
    - 3 Financial and accounting arrangements subject to any limits set out in the Financial Regulations.

- C. Information and communications technology (ICT) including approval of the acquisition of all ICT equipment and services ;
- D. Information management including:
  - 1 data protection;
  - 2 data quality;
  - 3 freedom of information.
- E. Asset management including:
  - 1 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 Strategic Director shall always consider whether a referral to Cabinet is necessary;
  - 2 acquisition of land where the purchase price or premium does not exceed £250,000;
  - 3 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) does not exceed £50,000 or the calculation of the premium is based on an annual rent not exceeding £50,000;
  - 4 agreeing terms for and accepting the surrender of leases;
  - 5 negotiating, agreeing and arranging for the release or modification of restrictive covenants;
  - 6 determining applications for licences to assign and consent to sub-let, change of use, make alterations or additions to land or premises;
  - 7 forfeiting (or seeking other appropriate remedy) of leases, licences and wayleaves where covenants have been broken;
  - 8 discharging mortgages;
  - 9 decisions under section 137 and 139 of the Local Government Act 1972 regarding Council expenditure on land held on charitable trust;

- 10 Maintenance of the Council's assets/ buildings;
  - 11 Equalities and diversity
  - 12 CCTV;
  - 13 Health and well being;
  - 14 Safeguarding of children, young people and vulnerable adults;
  - 15 Climate change and green issues.
- F. Collection and administration of Council Tax, National Non-Domestic Rates and sundry debts on behalf of the Council including:
- 1 Valuation;
  - 2 the commencement, defence, withdrawal or settlement of legal proceedings;
  - 3 writing off debt below £5,000 and between £5,001 and £10,000 in conjunction with the Executive Member for Finance and IT;
  - 4 Administration of the National Non-Domestic Rates scheme including NNDR3 return;
  - 5 Administration of the Housing and Council Tax Reduction Schemes including:
    - A investigation of benefit fraud;
    - B agreeing administrative penalties in lieu of legal proceedings.
- G. Legal Services (with the exception of the responsibilities of the Monitoring Officer):
- 1 To authorise the institution, defence, withdrawal or settlement of legal proceedings for Council tax, non-domestic rates and sundry debts;
  - 2 To authorise officers of the Council to appear before the Magistrates' Court;
- H. Management Support and central administrative services including:
- 1 Contract hire;
  - 2 Car loan schemes.

- I. Land Charges;
- J. Shared Internal audit and anti-fraud service;
- K. Procurement;
- L. Management of corporate policy development including:
  - 1 Development of the corporate plan;
  - 2 Administering area governance arrangements;
  - 3 Operational management and support for external partnership arrangements.
- M. Community engagement and development including:
  - 1 Financial assistance and grants to external organisations;
  - 2 Voluntary sector and community group development.
- N. Community services including:
  - 1 Active communities;
  - 2 Public halls, community centres and rural community buildings.
- O. Approvals for all transactions pursuant to the Community Benefit Fund, in consultation with the appropriate Cabinet Executive Member (Finance or Housing);
- P. Approvals for any overage, claw back or similar arrangement pursuant to the Stock Transfer Agreement.

14.6.8 Delegation of Authority - Strategic Director of Planning Housing and Enterprise

(a) The Director 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;

(b) Service responsibilities:

- (i) The Director shall exercise the following functions powers and duties except those reserved to Council, Cabinet or a Committee in relation to:

- 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;
- B. All activities relating to discharge of the Council's function as the Local Building Regulation Authority;
- C. Highway matters and transportation matters including:
  - 1 Footpaths and bridleways (protection, creation, diversion, modification and extinguishment);
  - 2 Highways Agency matters;
  - 3 Street naming and numbering;
  - 4 Highways matters delegated by Hertfordshire County Council;
  - 5 Public transport issues;
  - 6 Goods Vehicles Operators Licences.
- D. Traffic management including the creation of on and off street parking orders and street closure orders;
- E. Housing, homelessness and care functions including the provision and management of Careline, community alarms and oversight of the Council's involvement in Hertfordshire Community Meals;
- F. Environmental health function including:
  - 1 Sewers, drains and private water supplies;
  - 2 housing grants and loans;
  - 3 caravan sites;
  - 4 housing safety and fitness of premises;
  - 5 domestic energy conservation;
  - 6 health and safety at work;
  - 7 food safety and hygiene;
  - 8 pest control;
  - 9 animal welfare;

- 10 communicable diseases.
- G. Environmental Protection and enforcement functions including:
- 1 contaminated land;
  - 2 air quality;
  - 3 statutory nuisances;
  - 4 permitted processes;
  - 5 street trading;
  - 6 Sunday trading;
  - 7 abandoned vehicles;
  - 8 flytipping;
  - 9 byelaws;
  - 10 flyposting;
  - 11 unlawful encampments;
  - 12 scrap metal.
- H. Public health functions under the Public Health Acts and related legislation;
- I. Licensing functions under all relevant Licensing legislation other than matters reserved to the Licensing and Appeals Committee;
- J. Community safety;
- K. To authorise or delegate to Officers to deal with antisocial behaviour, nuisance or disorder, including (although not limited to) Closure Notices<sup>21</sup>, Community protection (notices, fixed penalty notices, seizure of goods) and high hedges under any relevant legislative powers;
- L. To discharge the functions of the Appointing Officer under the Party Wall etc. Act 1996;
- M. Responsibilities in respect of Counter Terrorism and Security;

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<sup>21</sup> Not including authorising/ signing Closure Notices up to 48 hours unless designated by Chief Executive to do so.

N. Economic development.

14.6.9 Delegation of Authority - Corporate Legal Manager

- (a) To act as Chief Legal Officer to the Council.
- (b) To carry out the functions of the Monitoring Officer (Section 5 of the Local Government & Housing Act 1989 and the Local Government Act 2000).
- (c) 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(d) 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.
- (d) 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.
- (e) 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.
- (f) 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).
- (g) To negotiate and settle any claim or disputes without recourse to Court proceedings including the use of alternative dispute resolution.
- (h) To authorise officers of the Council to appear before the Magistrates' Court or County Court District Judges.
- (i) 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.
- (j) 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.
- (k) To determine and issue advice and guidelines to the Council on legal, procedural and propriety matters.

- (l) To make all necessary arrangements in respect of byelaws and local legislation.
- (m) To release guarantee bonds in contracts for works and the supply of goods and services (upon the certificate of the Chief Officer concerned that the contract has been completed satisfactorily and that any maintenance period has expired).
- (n) Attestation of the Council's Common Seal.
- (o) To instruct Counsel and / or retain the services of other experts or external solicitors or any matter affecting the interests of the authority;
- (p) Certify (or authorise Officers to certify) documents on behalf the authority.

#### 14.6.10 Delegation of Authority - Democratic Services Manager

- (a) To administer the scheme for Members' allowances including the approval of duties for Members' allowances;
- (b) To make appointments (or where relevant nominate) Councillors to Committees, sub-Committees, panels, boards and outside bodies, in consultation with Group Leaders, when vacancies arise during the civic year in respect of the appointments that have previously been made at Annual Council;
- (c) To make all necessary arrangements for Members and Member support and for all Council meetings;
- (d) Attestation of the Council's Common Seal;
- (e) To carry out the duties of the Electoral Registration Officer because of the Registration Officer's inability to act or because of a vacancy;
- (f) To carry out the duties of the Returning Officer because of his inability to act or because of a vacancy;
- (g) Witnessing of candidates' and agents' declarations and returns as to election expenses;
- (h) To receive petitions in accordance with the Council's Petition Scheme;
- (i) Receipt of petitions questioning an election;
- (j) 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 Chairman of the Overview and Scrutiny Committee.
- (k) To verify foreign national pensions

14.6.11 Delegation of Authority - Head of Finance, Performance and Asset Management

- (a) To be responsible for the Council's corporate health and safety in accordance with legislation and the Councils' adopted policy.
- (b) To be responsible for the proper administration of Council charities and their assets.
- (c) To be the Council's Anti Money Laundering Reporting Officer.
- (d) To consider and determine applications to: list and removal Assets of Community Value (in consultation with Officers nominated by the Strategic Director), whether compensation should be paid and of payment of associated costs.

14.6.12 Delegation of Authority - Head of Revenues, Benefits & I.T.

- (a) To be the Council's Chief Information Officer
- (b) To be the Council's lead Data Protection Officer
- (c) To issue applications for the acquisition of Communications data
- (d) 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.

14.6.13 Delegation of Authority – Head of Housing and Public Protection

- (a) 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.
- (b) 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.
- (c) 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 Corporate Legal Manager.

14.6.14 Delegation of Authority – Head of Leisure and Environmental Services

- (a) 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.

14.7 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	Democratic Services Manager
S.84(1)	Receipt of notice of resignation of elected members	Democratic Services Manager
S.88(2)	Convening a meeting of Council to fill a casual vacancy in the office of Chairman	Democratic Services Manager
S.89(1)	Notice of casual vacancy	Democratic Services Manager
S.100 (except 100(D))	Admission of public (including press) to meetings	Democratic Services Manager
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	Democratic Services Manager
S.100(B)(7)	The officer to supply to newspapers copies of documents supplied to councillors	Democratic Services Manager
S.100(C)(2)	The officer to prepare a written summary of the proceedings at committees and sub-committees	Democratic Services Manager
S.115(2)	Receipt of money due from officers	Strategic Director of Finance Policy and Governance
S.146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities	Strategic Director of Finance, Policy and Governance
S.151 (and S.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration of the Council’s financial affairs	Strategic Director of Finance Policy and Governance

<b>Legislative Provision</b>	<b>Function</b>	<b>Proper Officer</b>
S.191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent	Strategic Director of Finance, Policy and Governance
S.225	Deposit of documents	Strategic Director of Finance, Policy and Governance
S.228(3)	Accounts for inspection by any member of the Council	Strategic Director of Finance, Policy and Governance
S.229(5)	Certificate of photographic copies of documents	Chief Executive/Monitoring Officer/Democratic Services Manager
S.236(9) and (10)	Sending of copies of byelaws to parish councils, parish meetings and County Council	Chief Executive
S.238	Certification of byelaws	Chief Executive
S.248(2)	Officer who will keep the Roll of Freemen	Chief Executive
<b>Schedule 12</b>		
<b>Local Government Act 1972</b>		
Para 4(2)(b)	Signing of summons to Council meeting	Democratic Services Manager
Para 4(3)	Receipt of notice about address to which summons to meeting is to be sent	Democratic Services Manager
<b>Schedule 14</b>		
Para 25	Certification of resolution passed under this paragraph	Democratic Services Manager
<b>Schedule 16</b>		
Para 28 (amended by the Planning (Consequential	Deposits of lists of buildings of special architectural or historic interest	Strategic Director of Planning, Housing and Enterprise

<b>Legislative Provision</b>	<b>Function</b>	<b>Proper Officer</b>
Provisions) Act 1990)		
<b>Local Government Act 1974</b>		
S.30(5)	To give notice that copies of an Ombudsman's report are available	Chief Executive
<b>Local Government (Miscellaneous Provisions) Act 1976</b>		
S.41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	Democratic Services Manager
<b>Local Authorities Cemeteries Order 1977</b>		
Article 10	To sign exclusive rights of burial	Strategic Director of Customer Services
<b>Representation of the People Act 1983</b>		
S.9	Registration Officer	Chief Executive
S.24	Returning Officer for Local Elections	Chief Executive
S.28	Acting Returning Officer for a Parliamentary Election	Chief Executive
S.82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Chief Executive
<b>Police Reform and Social Responsibility Act 2011</b>		
S.54	To act as police area Returning Officer or local Returning Officer for police and crime commissioner elections (if so designated)	Chief Executive
<b>Local Government and Housing Act 1989</b>		
S.2(4)	Recipient of the list of politically restricted posts	Democratic Services Manager

<b>Legislative Provision</b>	<b>Function</b>	<b>Proper Officer</b>
S.3	Employers certificate for exemption from politically restricted posts	Monitoring Officer
S.4	Head of the Paid Service	Chief Executive
S.5	The Monitoring Officer	Corporate Legal Manager
S.15	Officers to receive notices relating to membership of political groups	Chief Executive
<b>Local Government (Committees and Political Groups) Regulations 1990</b>		
	For the purpose of the composition of committees and nominations to political groups	Chief Executive
<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	Chief Executive
<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	Democratic Services Manager
Regulation 14	Inspection of documents following executive decisions	Democratic Services Manager
Regulation 15	Inspection of background papers	Democratic Services Manager
Regulation 13	Individual executive decisions	Democratic Services Manager
Regulation 7	Access to agenda and connected	Democratic Services

<b>Legislative Provision</b>	<b>Function</b>	<b>Proper Officer</b>
	reports	Manager
Regulation 9	Publicity in connection with Key Decisions	Democratic Services Manager
Regulation 10	General exception relating to publicity in connection with Key Decisions	Democratic Services Manager
Regulation 16	Members' rights of access to documents	Chief Executive
Regulation 20	Confidential/exempt information and exclusion of public from meetings	Democratic Services Manager
<b>Public Health (Control of Disease) Act 1984</b>		
S.31	Certification by officer of need for disinfection of premises	Strategic Director of Planning, Housing and Enterprise
S.32	Certification by officer of need to remove person from infected house	Strategic Director of Planning, Housing and Enterprise
<b>Public Health Act 1936</b>		
S.85(2)	To serve notice requiring remedial action where there are verminous persons or articles	Strategic Director of Planning, Housing and Enterprise
<b>Public Health Act 1961</b>		
S.37	Control of any verminous article	Strategic Director of Planning, Housing and Enterprise
<b>Localism Act 2011</b>		
s.33	Dispensations from section 31(4) Localism Act 2011	Monitoring Officer

#### 14.8 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 following Cabinet Portfolios.

<b>Portfolio</b>	<b>Cabinet Member</b>	<b>Address</b>	<b>Ward</b>
Leader	Councillor Mrs L.A Needham	68 Broadwater Avenue, Letchworth Garden City, Hertfordshire, SG6 3HJ	Letchworth South West
Finance and IT Deputy Leader	Councillor T.W. Hone	15 Fouracres, Letchworth Garden City, Hertfordshire SG6 3UF	Letchworth South West
Community Engagement & Rural Affairs	Councillor T. Hunter	1 Cowslip Close, Royston, Hertfordshire, SG8 9TJ	Royston Meridian
Housing & Environmental Health	Councillor B. Lovewell	23 Milton View, Hitchin, Hertfordshire SG4 0QD	Hitchin Walsworth
Leisure	Councillor J Gray	Abbotshay Farm, Tanyard Lane, Ayot St Lawrence, Herts. AL6 9BS	Codicote
Planning, and Enterprise	Councillor D. Levett	172 Rushby Mead, Letchworth Garden City, Hertfordshire, SG6 1SQ	Letchworth South East
Policy, Transport and Green Issues	Councillor J. Cunningham	14 Blackmore, Letchworth Garden City, Herts. SG6 2SY	Letchworth South East
Waste Management, Recycling & Environment	[Leader – TBC]		Royston Heath

#### 14.8.1 Matters of General Delegation

Each Cabinet Executive Member is responsible for:-

- (a) the proper administration of the Council's services;
- (b) the efficient use and day-to-day maintenance of Council premises;
- (c) ensuring budget control;
- (d) approving use of specific grants and/or funding from non-governmental sources, and any annual delivery plans and agreements in relation to such funding;

- (e) 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;
- (f) the continuous improvement of the Council's services through a programme of work;
- (g) liaising with the relevant Council Overview and Scrutiny Committee;
- (h) decisions proposed and made. Delegated decisions must be taken, recorded and published in accordance with the Council's Guidance<sup>22</sup> (or any policy) on the statutory requirements and procedures;
- (i) 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;
- (j) proposing and responding to Government and its agents, and to those sharing common cause and others on matters defined by their responsibilities;
- (k) responding directly to governmental and other consultation papers on behalf of the Council, where the view of the Council has been requested;
- (l) making minor amendments to adopted strategies, policies and procedures;
- (m) the promotion of the Council's existing policies;
- (n) speaking up on matters of local concern and acting as the main Council spokesman on issues within their Portfolio;
- (o) 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;
- (p) providing input for procurement exercises within their Portfolio, in accordance with the Contract Procurement Rules;
- (q) approving variations to contracts in accordance with the Contract Procurement Rules;
- (r) 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;

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<sup>22</sup> NHDC Guidance to Members and Officers – Taking a delegated decision 2015

- (s) applying for planning permission for the Council's own development schemes;
- (t) applying for conservation area consent, listed building consent or any other permissions or consents necessary to progress the Council's own development schemes; and
- (u) responding to consultation with officers on setting new external fees and charges and revising current ones.

#### 14.8.2 Leader of the Council

- 14.8.2.1 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.
- 14.8.2.2 The Leader will appoint the Deputy Leader and members of Cabinet and allocate responsibility for the discharge of executive functions.
- 14.8.2.3 The Leader is appointed for a four year term.
- 14.8.2.4 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).
- 14.8.2.5 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) Liaison with other statutory agencies in and outside the District and leading on the Council's Local Strategic Partnership;
- (i) the Council's communications strategies and activities and press and publicity activity;
- (j) information provision and management;
- (k) consultation with local people to help plan and improve Council services and influence the services provided by others;
- (l) community safety and work with the Community Safety Partnership, the police and other law enforcement agencies to reduce crime and disorder, anti-social and nuisance behaviour, and the fear of either;
- (m) speaking up on matters of local concern and representing the views of the Council to Government and its agents and to others;
- (n) appointments to outside organisations between meetings of the Council;
- (o) Legal Services;
- (p) Democratic Services, excluding Electoral Services and Electoral Registration;
- (q) the Land Charges Service;
- (r) Customer Services;
- (s) the health and safety of staff;
- (t) the implementation of public safety measures and the Council's Emergency Plan, in accordance with prevailing national guidance;
- (u) Human Resources including:
  - (i) personnel, employment and training policies and strategies;

(ii) the provision of core training services to the rest of the Council;

(iii) measures to manage productivity and reduce sickness absence;

(iv) matters to do with officers leaving the Council's service, in conjunction with the Executive Member for Finance;

(v) payroll and other financial benefits for staff in conjunction with the Executive Member for Finance;

(vi) Organisational Development.

#### 14.8.3 Finance and I.T

The scope of this Portfolio is concerned with the Council's:-

- (a) 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);
- (b) development and implementation of the Corporate Business Planning process, in consultation with the Policy Executive Member;
- (c) the determination of applications for national non-domestic rate discretionary relief, and remission or reduction of rate liability and other miscellaneous minor rating matters arising;
- (d) use of the special reserves and reserved contingency budgets, within the total budget agreed by full Council;
- (e) in-year changes to the Council's Capital Programme up to a limit of £100,000 per project;
- (f) financial planning;
- (g) investments and treasury management;
- (h) the collection of taxes, the determination and payment of Housing and Council Tax Benefit;
- (i) overall strategy for fees and charges;
- (j) maximisation of the Council's commercial income;
- (k) audit, fraud, financial probity, insurance and risk management;
- (l) payroll and other financial benefits for staff in consultation with the Leader;
- (m) the Council's procurement policies and procedures;

- (n) maintenance of the Council's buildings (other than day-to-day maintenance);
- (o) overall management of the Council's property assets and 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;
- (p) 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;
- (q) writing off debts between £5,001 and £10,000 in conjunction with the relevant Cabinet Executive Member and Strategic Director of Finance, Policy & Governance;
- (r) development and implementation of policy and strategy for the delivery of e-Government;
- (s) 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;
- (t) Press and publicity activity so far as it relates to the scope of this Portfolio.

#### 14.8.4 Community Engagement and Rural Affairs

The scope of this Portfolio is concerned with the Council's:-

- (a) tourism and visitor management;
- (b) leading on the Council's responsibilities arising from equalities and diversity law and best practice to ensure its services are responsive and relevant to a diverse population and free from improper discrimination;
- (c) to co-ordinate and therefore try to improve the overall delivery of services provided by public bodies and voluntary organisations;
- (d) consultation with local people to help plan and improve Council services and influence the services provided by others;
- (e) community relations and the promotion of social cohesion and fair opportunities;
- (f) diversity and equalities matters, including approving the monitoring of the Council's Equality and Diversity Schemes;
- (g) 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;

- (h) 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;
- (i) to lead on partnerships and liaison with external agencies, including in relation to the promotion of health and wellbeing;
- (j) Press and publicity activity so far as it relates to the scope of this Portfolio;
- (k) corporate grants including the rural funding scheme and grants made under Memoranda of Understanding or similar agreements;
- (l) development and implementation of strategies and policies for the enhancement and sustainability of the District, in particular rural areas and communities;
- (m) to act as the Council's spokesperson and principal point of contact on matters affecting Town, Parish and Community Councils;
- (n) the provision and monitoring of the Council's CCTV arrangements;
- (o) the operation and services offered by the Council's public halls;
- (p) play and play ranger schemes;
- (q) the arts and cultural services, including archaeological matters, museums, galleries;
- (r) promoting the Council's position in regard to children's services across the district and in particular the protection of children and young people undertaken within its safe-guarding responsibilities;
- (s) responsibilities in respect of Counter Terrorism and Security.

#### 14.8.5 Housing and Environmental Health

The scope of this Portfolio is concerned with the Council's:-

- (a) Community alarms and Careline;
- (b) Homelessness and its prevention;
- (c) Housing allocations and the Common Housing Register;
- (d) Housing advice;
- (e) Housing strategy;

- (f) Gypsies and Travellers;
- (g) Private sewers, drainage and drains;
- (h) Housing grants and loans;
- (i) Caravan sites;
- (j) Housing safety and the fitness of premises;
- (k) Housing energy conservation;
- (l) Health and safety at work;
- (m) Food safety and hygiene;
- (n) Communicable diseases;
- (o) Public Health Act funerals;
- (p) Enforcement relating to Pests;
- (q) Control of pollution / environmental protection (including noise);
- (r) Contaminated land;
- (s) Local air quality;
- (t) Permitting of controlled processes;
- (u) Statutory nuisances;
- (v) Miscellaneous public health duties (such as the Health Acts);
- (w) Miscellaneous public health functions (including the prohibition of smoking in public places);
- (x) wider public health initiatives arising from the Health and Social Care Act 2012 which relate to functions within the Housing and Environmental Health portfolio;
- (y) Licensing;
- (z) Local licensing (including, but not limited to, hackney carriage drivers and vehicles, private hire vehicles, drivers and operators, permits for small lotteries and street collections and house to house collection licences, gambling, small lotteries, sex shops, pet shops and dangerous wild animals);
- (aa) hackney carriages and private hire vehicles – to be consulted on setting of charges, fees, etc.
- (bb) Dealers of scrap metal;

- (cc) Street trading consents and licences;
- (dd) Sunday trading;
- (ee) Animals (welfare, associated licensing and enforcement);
- (ff) Abandoned vehicles;
- (gg) Fly tipping and illegal waste disposal;
- (hh) Enforcement of byelaws (NHDC and HCC where delegation exists);
- (ii) Highways enforcement matters delegated by Hertfordshire County Council;
- (jj) Miscellaneous street scene enforcement functions (including fly posting and litter) and fixed penalty notices;
- (kk) Share interest in North Hertfordshire Homes Limited unless the decision relates to significant matters that might have a long term implication for the Council, in which case such matters must be referred to the Council;
- (ll) Safeguarding of vulnerable adults;
- (mm) Press and publicity activity so far as it relates to the scope of this Portfolio.

#### 14.8.6 Leisure

The scope of this Portfolio is concerned with the Council's role in:

- (a) leisure services, including sports centres and sports development for adults;
- (b) recreation grounds and facilities;
- (c) markets;
- (d) parks, open spaces (including public art in these places) and outdoor swimming pools;
- (e) health and wellbeing promotion and activity through leisure and use of open spaces, so far as it relates to the scope of this portfolio;
- (f) allotments;
- (g) Press and publicity activity so far as it relates to the scope of this Portfolio.

#### 14.8.7 Planning, and Enterprise

The scope of this Portfolio is concerned with the Council's role as:-

- (a) Local Planning Authority and its interest in the preservation, enhancement and conservation of the environment including monitoring the Council's annual report on the Local Plan and making submissions on the same to regional bodies and other external agencies;
- (b) proposals for the Council's planning policies relating to land use (including the Local Plan), for recommendation to full Council, and supplementary guidance;
- (c) planning briefs for individual development sites;
- (d) responses to planning guidance and planning policy statements from Government and other local agencies and authorities impacting on the District;
- (e) 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;
- (f) street lighting and furniture and the naming and numbering of streets;
- (g) the Council's policies for enforcement of planning conditions and against improper development;
- (h) the Council's policies for identifying, and preserving conservation areas;
- (i) the Council's provision of development and building control and strategic planning and enterprise services;
- (j) land drainage;
- (k) Tree Preservation Orders and High Hedges Regulations;
- (l) development and implementation of the Council's Transport Strategy and Initiatives and representing the Council's views on regional transport issues;
- (m) leading on the Council's arrangements for highways matters including partnership and agency arrangements;
- (n) Regeneration, neighbourhood renewal and economic development, including bidding for, planning and expenditure of regeneration funding;
- (o) NHDC Localism Champion;
- (p) Press and publicity activity so far as it relates to the scope of this Portfolio.

#### 14.8.8 Policy Transport and Green Issues

The scope of this Portfolio is concerned with the Council's:-

- (a) responsibility for strategic planning and organisational development;
- (b) development and implementation of the Council's Corporate Business Planning process, in consultation with the Executive Member for Finance and the Leader;
- (c) population and other census information;
- (d) the Council's Annual Report, Service reviews, performance statistics and all aspects of the Council's efforts to secure improvements in quality in its services, cost improvements and external accreditation and recognition,
- (e) the Council's complaints system and its response to investigations by the Local Government Ombudsman;
- (f) proposals to vary the boundaries of the Borough and Electoral Wards and Polling Districts;
- (g) the Nottingham Declaration on Climate Change and other green issues affecting the District;
- (h) NHDC Children and Young People's Champion;
- (i) Press and publicity activity so far as it relates to the scope of this Portfolio;
- (j) car parks and parking operations including decriminalised parking enforcement;
- (k) the Council's communications strategies and activities and press and publicity activity in consultation with the Leader.

#### 14.8.9 Waste Management, Recycling and Environment

The scope of this Portfolio is concerned with the Council's role in:-

- (a) waste management (including waste-related enforcement: littering, graffiti, fly-posting, unauthorised distribution of free literature on designated land, waste receptacle offences under any enabling legislation), waste minimisation and recycling;
- (b) cleansing, public conveniences and cesspools;
- (c) grounds maintenance, amenity areas and associated functions;
- (d) provision and maintenance of trees;
- (e) cemeteries, crematoria burials and related services;
- (f) war memorials;
- (g) the management and maintenance of footpaths and bridleways;

- (h) the Council's provision of arboricultural services;
- (i) Public health activities and contribution to wellbeing of the local population so far as it relates to the functions of this portfolio;
- (j) NHDC Heritage Champion;
- (k) Press and publicity activity so far as it relates to the scope of this Portfolio.

#### 14.8.10 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 him/her 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.

#### 14.8.11 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.**