

Part 3

Responsibility for Functions

Responsibility for Functions

1. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Function	Decision making body	Membership	Delegation of functions
1. Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 2 of the Local Authority (Functions and Responsibilities) (England) Regulations 2000.	Council	50 Members of the authority	
2. The determination of an appeal against any decision made by or on behalf of the authority.	Council unless delegated to a committee		
3. The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999.	Best Value Overview and Scrutiny	12 Members of the authority	Preparation of Reviews - All Directors
4. Any function relating to contaminated land.	Council	50 Members of the authority	Assistant Director of Regulatory Services
5. The discharge of any function relating to the control of pollution or the management of air quality	Council		Assistant Director of Regulatory Services
6. The service of an abatement notice in respect of a statutory nuisance.	Council		Assistant Director of Regulatory Services
7. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Council		Assistant Director of Regulatory Services
8. The inspection of the authority's area to detect any statutory nuisance.	Council		Assistant Director of Regulatory Services
9. The investigation of any complaint as to the existence of a statutory nuisance.	Council		Assistant Director of Regulatory Services
10. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Council		Assistant Director of Development Control

Function	Decision making body	Membership	Delegation of functions
11. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Council		Assistant Director of Development Control & Assistant Director of Regulatory Services
12. The appointment of any individual - (a) to any office other than an office in which he is employed by the authority; (b) to any body other than - (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-sub-committee of such a body.	Council		Head of Paid Service
13. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	Council		

2. **RESPONSIBILITY FOR COUNCIL FUNCTIONS**

DEVELOPMENT CONTROL COMMITTEE

25 Members of the authority

Planning and Conservation

1. Functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations).
2. Within the framework of Council policy, and having regard to the Development Plan, other planning guidance and development briefs approved by the Council to consider and determine applications for permission required under development control, control of advertisements, tree and building preservation and conservation, hazardous substances consent, and Building Regulations, and to authorise the making of Orders and Agreements and the issue of Notices in connection with development control, building control, trees and listed buildings.

LICENSING COMMITTEE

17 Members of the authority

Taxi, gaming, entertainment, food and miscellaneous licensing

1. Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations.
2. Within the framework of Council policy to issue, refuse, vary, suspend, revoke, make standard conditions and/or make specific conditions, with regard to all licences and registrations and permits.

HUMAN RESOURCES SUB-COMMITTEE

6 Members (including at least 1 Member of the Executive)

1. To consider and determine appeals relating to dismissal, grading and grievance by employees of the Council.
2. To consider and determine redundancy payments and other severance payments.

PUBLIC ENTERTAINMENTS LICENSING SUB-COMMITTEE

7 Members

1. To consider and determine applications for the issue or renewal or variation of public entertainment licences.

STANDARDS COMMITTEE

1 District Councillor from each political party with more than 5 Members, 1 Town Council Member, 1 Parish Council Member and 2 Independent Members

The promotion and maintenance of high standards of conduct within the Council

1. To advise the Council on the adoption or revision of its Code of Conduct.
2. To monitor and advise the Council about the operation of its Code of Conduct in the light of best practice, changes in the law, guidance from the Standards Board and recommendations of case tribunals under Section 80 of the Local Government Act 2000.
3. Assistance to Members and co-opted Members of the authority.
4. To ensure that all members of the Council have access to training in all aspects of the Member Code of Conduct, that this training is actively promoted, and that Members are aware of the standards expected from local councillors under the Code.

Other functions

Functions relating to standards of conduct of Members under any

relevant provision of, or regulations made under, the Local Government Act 2000:

- a) Submissions of recommendations to the Council on a Code of Practice on relations between Members and officers;
- b) Consideration of the Council's procedures for investigating and responding to complaints;
- c) Overview of whistleblowing policy.

3. OFFICER DELEGATION

A. EXECUTIVE DIRECTORS, ASSISTANT DIRECTORS AND ALL HEADS OF SERVICE

THE FOLLOWING DELEGATIONS APPLY TO ALL EXECUTIVE DIRECTORS, ASSISTANT DIRECTORS, HEADS OF SERVICE OR THEIR DULY AUTHORISED OFFICERS (WHERE PARTICULAR OFFICER(S) IS/ARE INVOLVED THIS IS INDICATED).

1. In accordance with the Council's Constitution, the management and administration of the services for which they are responsible and the incurring of expenditure for such purposes within approved estimates and in accordance with the Financial Regulations and Rules of Procedure Relating to Contracts. This shall include authorising the Executive Directors, Assistant Directors and Heads of Service to take such action as is necessary, within approved budgets, procedures and business plans, to implement the decisions and policies of the Council, and ensure the timely progress of Best Value reviews within their remit.
2. To dispose of surplus or obsolete stock and equipment at the best prices obtainable in accordance with the procedures agreed with the Assistant Director (Financial Services).
3. To serve requisitions for information as to the ownership of property under the various statutory provisions where necessary.
4. To give written notice seeking deemed planning permission for proposed development to be carried out by the Council.
5. The appointment and operational management of all categories of staff, for whom they are responsible.
6. The designation of officers for authorisation of the payment of accounts.
7. To take disciplinary action, in relation to staff for whom they are responsible, in accordance with the Council's Disciplinary Procedure.

DELEGATION:

(Executive Directors and Assistant Directors)

8. The authorisation of attendance or secondment of employees on courses or seminars, etc, within the approved Training Plan.
9. The authorisation of carrying forward of annual leave from one year to the next up to 5 days per annum.
10. The determination of ex gratia payments in respect of damage to, or loss of, employees' personal property up to £200 and, in consultation with the appropriate Portfolio Holder, for all other amounts.
11. To transfer expenditure between budget areas, providing this is within their approved budget and within the expenditure unit, having informed the Assistant Director (Financial Services) before actioning this.
12. To approve the attendance of Officers at conferences/seminars, which are not included in the Standing List of Conferences.

B. EXECUTIVE DIRECTOR (RETURNING OFFICER)

1. To act as Registration Officer pursuant to the Representation of the People Acts 1983-2000 for those parliamentary constituencies within the District of East Hertfordshire.
2. To act as Returning Officer for the elections of councillors of the District of East Hertfordshire and those parishes within the District.

C. EXECUTIVE DIRECTOR (HEAD OF PAID SERVICE)

1. To act as Head of Paid Service. Pursuant to Section 4 of the Local Government and Housing Act 1989.
2. In consultation with the Assistant Director (Human Resources), to consider and determine applications by employees relating to salary grading.

3. All matters relating to staffing, employment, terms of conditions and industrial relations for the Council's workforce, save those matters relating to the Head of Paid Service and Chief Officers as specified elsewhere in the Constitution and appeals matters handled by the Human Resources Sub-Committee.
4. To issue redundancy notices immediately it becomes apparent that redundancies are likely to arise, subject to any policy constraints which may be applied from time to time.

D. **EXECUTIVE DIRECTORS**

1. In consultation with the Assistant Director (Financial Services) the granting of awards to employees under the Long Service Award Scheme.
2. The granting of leave of absence without pay for periods not exceeding three months and special leave with pay on compassionate grounds.
3. In consultation with the appropriate Assistant Director, to give consent to Officers graded above Scale Point 28 to engage in any other business or take up any other additional appointment pursuant to Paragraph 71 of the National Conditions of Services.
4. To dismiss staff in accordance with the Council's disciplinary procedure.
5. In consultation with the Leader of the Council, to settle complaints to the Local Ombudsman, or the formal complaint procedure where applicable, through an ex gratia payment of compensation not exceeding £1,000 per case.
6. To act on the Council's behalf and to commit the Council to such course of action as may be considered appropriate in order to respond to an emergency event including chemical or biological terrorism or similar incident requiring concerted action.
7. To authorise prosecutions subject to the Assistant Director (Law & Control) being satisfied as to the sufficiency of evidence in

appropriate cases.

8. To authorise staff possessing such qualifications as may be required by law or in accordance with the Council's policy and having the necessary competency and experience, to carry out surveillance, to take samples, carry out inspections, enter premises, form opinions and generally perform the functions of a duly authorised officer of the Council (however described) under the enactments and regulations contained in Part 3, G and H, including applications for warrants to enter property. In relation to any powers which require to be dealt with by a Solicitor of the Supreme Court, this power shall be delegated to the Assistant Director (Law and Control).
9. To enter into compromise agreements in their area or in another area.
10. To authorise payment of the local award (5% salary) to those employees whose performance is considered by the relevant Assistant Director and the Executive Board to be entirely satisfactory, in accordance with current policy.
11. To appoint/nominate persons to serve on outside organisations as representatives of the District Council.

E. ASSISTANT DIRECTOR (LAW & CONTROL)

1. To institute and defend legal proceedings.
2. To settle disputes and litigious actions.
3. To apply for warrants to enter property.
4. To authorise the appearance of non-admitted legal staff, within his section, in the Magistrates Court in accordance with the provisions of Section 223 of the Local Government Act 1972.
5. In consultation with the Assistant Director (Development Control) to determine applications under Sections 191 and 192 of the Town and Country Planning Act 1990 for lawful development certificates.

6. To issue Stop Notices and take further enforcement action, where the Development Control Committee has authorised action, and, in other cases, issue Enforcement Notices and Stop Notices subject to such action being taken following consultation with the Assistant Director (Development Control), and to such action being reported to the next meeting of the Development Control Committee. In order to enable the Committee to concur, modify, or enforce such Notice as it considers necessary.
7. To apply for injunctions in appropriate cases where there are any breaches of planning control, Tree Preservation Orders, or Listed Building and Conservation legislation where it is felt that contravention of planning control has taken place, and to give any undertakings in damages in such cases.
8. To issue Breach of Condition Notices in consultation with the Assistant Director (Development Control).
9. After consultation with the Assistant Director (Development Control) to enter into Agreements with the developers in accordance with planning legislation.
10. To rearrange dates and times of meetings, previously approved at the Annual Meeting of the Council, following consultation with the Leader of the Council; such action being necessary in the interests of the efficient running of the Council.
11. To execute documents under seal.
12. To issue a Certificate of Opinion in connection with the Local Government and Housing Act 1989 – Politically Restricted Posts.

E. ASSISTANT DIRECTOR (HUMAN RESOURCES)

1. Human Resource matters shall be subject to the overall direction of the Head of Paid Service.
2. The administration and implementation, in consultation with Executive Directors and Assistant Directors, of the Council's organisational, employee development and human resource plans.

3. The interpretation and application of pay scales and conditions of service for all employees.
4. Applications, in consultation with the appropriate Executive Directors and Assistant Directors, for extensions of service.
5. The administration of any schemes for awards to employees making suggestions which could affect economies and improve efficiency.
6. To administer the Council's car leasing scheme subject to such financial and policy constraints as may be applied from time to time.
7. To determine applications for extensions of sick pay subject to the agreement of an Executive Director.
8. To award accelerated increments within Scales 1, 2 and 3 in recognition of approved examination success and individual merits in accordance with the Council's current policy.
9. The determination of car allowances in accordance with the criteria adopted by the Council in accordance with the Council's current policy.

F. ASSISTANT DIRECTOR (DEVELOPMENT CONTROL) AND DEVELOPMENT CONTROL MANAGERS OR THEIR DULY AUTHORISED OFFICERS

1. To determine planning, Listed Building, Conservation Area Consent and advertisement applications except where the application:-
 - (i) is a major development as defined in the Town and Country Planning (General Development Procedure) Order 1995;
 - (ii) is a departure from the Development Plan and is recommended for approval;
 - (iii) is by a Member of the Council;

- (iv) is by an officer of the Council;
- (v) is one where a Member considers that delegated powers should not be exercised by the Assistant Director (Development Control) in which case the Member must notify

G. ASSISTANT DIRECTOR (DEVELOPMENT CONTROL) AND DEVELOPMENT CONTROL MANAGERS OR THEIR DULY AUTHORISED OFFICERS

2. To determine planning, Listed Building, Conservation Area Consent and advertisement applications except where the application:-
 - (i) is a major development as defined in the Town and Country Planning (General Development Procedure) Order 1995;
 - (ii) is a departure from the Development Plan and is recommended for approval;
 - (iii) is by a Member of the Council;
 - (iv) is by an officer of the Council;
 - (v) is one where a Member considers that delegated powers should not be exercised by the Assistant Director (Development Control) in which case the Member must notify the Chairman of the Development Control Committee in writing stating the reasons why he/she should not determine the application.
3. To determine the applications to fell, lop or prune individual trees or groups of trees, or hedgerows, and to approve applications to fell woodlands when they are subject to Tree Preservation Orders, and to impose conditions in granting approvals.
4. To determine applications for the display of temporary advertisements for periods not exceeding three months.

5. To serve Planning Contravention Notices where it appears that a contravention of planning control has taken place.
6. To determine whether prior planning approval is required for the demolition of a building, and to determine any consequent request for approval of the detailed proposals for demolition and restoration of the site.
7. To make provisional Tree Preservation Orders and to confirm them when they are unopposed.
8. To issue Breach of Condition Notices in consultation with the Assistant Director (Law & Control).
9. To determine whether proposed variations to proposals and detailed matters after planning permission has been granted, require the submission of a fresh planning application.
10. To exercise the Council's powers under Section 70(a) of the Town and Country Planning Act 1990, by declining to determine an application for planning permission for the development of any land where, within a period of two years, ending with the date on which the application is received, the Secretary of State has refused a similar application referred to him under Section 77, or has dismissed an appeal against the refusal of a similar application, and where, in the opinion of the Assistant Director (Development Control), there has been no significant change since the refusal or dismissal in the Development Plan or in any other material considerations.
11. The consideration, approval and payment of grants in respect of Listed Buildings and Conservation Areas.
12. To exercise the Council's planning powers for control of demolition.
13. To determine commuted car parking payments for planning applications.
14. The Assistant Director (Development Control) and Development Control Managers be authorised to approve or reject plans submitted as minor amendments to planning applications previously submitted and approved, subject to consultation with

the local Member(s) concerned in accordance with the Council's procedure in force for the time being.

15. The Assistant Director (Development Control), the Development Control Managers and the Assistant Director (Contract & Direct Services) be authorised to make Tree Preservation Orders, and to determine applications for consent for the cutting down, topping or lopping of trees and applications under the Hedgerow Protection legislation.
16. The Assistant Director (Development Control) or the Development Control Managers be authorised to determine applications for certificates of appropriate alternative development.
17. The Assistant Director (Development Control) or the Development Control Managers be authorised to determine, in consultation with the Assistant Director (Law & Control), applications for certificates of lawful use and development.
18. The Assistant Director (Development Control) or the Development Control Managers be authorised in cases of urgency and subject to consultation with the Chairman, to arrange for the serving of building preservation notices, enforcement notices, stop notices, planning contravention notices, breach of condition notices and directions relating to unlisted buildings in conservation areas.
19. The Assistant Director (Development Control) or the Development Control Managers be authorised to make observations on development proposals by Government Departments, statutory undertakers and Hertfordshire County Council, which are substantially in accordance with the Council's policies and are not likely to be controversial.
20. The Assistant Director (Development Control) or the Development Control Managers be authorised to advertise in the local press applications required to be advertised by statute or orders or regulations made thereunder, planning applications and applications for listed building consent.
21. The Assistant Director (Development Control) or Development Control Managers be authorised to advertise in the local press and/or by a notice on site, at the discretion of the Assistant Director (Development Control), applications for planning

permission as required by any Development Order made by the Secretary of State for the Environment.

22. After consultation with the Chairman of the Development Control Committee and the Assistant Director (Law & Control) institute legal proceedings in respect of the contravention of Tree Preservation Orders and unauthorised works to trees in Conservation Area.
DELEGATION: Assistant Director (Development Control) and Assistant Director (Direct & Contract Services)
23. To authorise, after consultation with the Assistant Director (Law & Control), an officer to enter land at any time for enforcement purposes in cases where admission has been refused or a refusal is expected or in cases of urgency.
24. To apply for warrants to enter property.
25. To authorise the institution of legal proceedings subject to the Assistant Director (Law & Control) being satisfied to the sufficiency of the evidence. (This delegation applies to the Assistant Director (Development Control) only).
26. To issue Stop Notices and take further enforcement action, where the Development Control Committee has authorised action and, in other cases, issue Enforcement Notices and Stop Notices subject to such action being taken following consultation with the Assistant Director (Law & Control), and to such action being reported to the next meeting of the Development Control Committee. In order to enable the Committee to concur, modify, or enforce such Notice as it considers necessary.
27. To apply for injunctions in appropriate cases where there are any breaches of planning control, Tree Preservation Orders, or Listed Building and Conservation legislation where it is felt that contravention of planning control has taken place, and to give any undertakings in damages in such cases.
28. After consultation with the Assistant Director (Law & Control), to enter into Agreements with the developers in accordance with planning legislation.

29. The Assistant Director (Development Control) or Development Control Managers be authorised to determine applications as to whether prior approval is required to the siting, design and external appearance of development.
30. The Assistant Director (Development Control) or Development Control Managers be authorised to determine whether or not it is expedient to take enforcement action where a breach of planning control has occurred, save where a Member requests, with the agreement of the Chairman.
31. The Assistant Director (Development Control) or Development Control Managers be authorised to give screening opinions and scoping opinions under the Town and Country Planning (Environmental Assessment) Regulations 1999 as amended.

H. ASSISTANT DIRECTOR (REGULATORY SERVICES) OR DULY AUTHORISED OFFICERS

1. To exercise the Council's functions relating to hackney carriage/private hire licensing under the Town Police Clauses Act 1847 and 1889, the Local Government (Miscellaneous Provisions) Act 1976, the Transport Act 1985 and the Council's Standard Conditions applicable to Hackney Carriage and Private Hire Vehicles, Private Hire Operators and Private Hire Drivers and the Council's Hackney Carriage Byelaws.
2. To exercise the powers of the Council as registration authority including the issue, renewal and transfer of all licences and registrations listed in Schedule I below, upon appropriate conditions.
3. The issue of occasional permissions in respect of those licences listed in Schedule I upon appropriate conditions.
4. To authorise officers to sign licences listed in Schedules I and II.
5. The variation of licence conditions in respect of those licences listed in Schedule I:
 - (i) those licences listed in Schedule I;

- (ii) those individual licences listed in Schedule II where there are no objections.

Schedule I:

Betting and Gaming Permits including:

Amusements with prizes
Small Lotteries
Pools promoters
Betting Tracks

Charitable Collection Permits including:

Street Collections and House to House Collections

Game Licences
Late Night Refreshment Houses Licences
Motor Salvage Operators
Nurses Agencies Permits
Theatres Licences
Street Trading

Schedule II:

Entertainment Licences, cinema Licences, Theatre Licences and Sex Shop Licences

6. Pursuant to Section 223 of the Local Government Act 1972 to authorise and institute proceedings in any Magistrates Court in respect of offences or other matters falling within the legislation in Appendix A (below) (subject to the Assistant Director (Law & Control) being satisfied as to the sufficiency of the evidence).
7. To authorise officers to exercise powers and duties falling within the legislation referred to at Appendix A (below), including applications for warrants to enter property, subject where appropriate to officers possessing such qualifications as be required by law or in accordance with the Council's policy and having the necessary competency and experience.
8. To authorise suitably qualified and experienced officers to serve and sign in their own name all improvement decision notices and prohibition notices in food safety and health and safety enforcement, private sector housing, public health, building control

and other legislation in Appendix A.

9. To authorise officers who are suitably qualified and experienced to serve and sign in their own name all authorisation, variation, revocation, enforcement and prohibition notices under local authority pollution control enforcement.
10. To authorise such staff who are competent, suitably qualified and experienced to discharge the functions of the local authority relating to the appointment and duties of Officers in Appendix A.
11. To appoint as inspectors such persons having suitable qualifications as he or she thinks necessary for carrying into effect the provisions of the Environmental Protection Act 1990 and to terminate any appointment made, pursuant to Section 16 of the 1990 Act.
12. To instruct, on behalf of the Council, such veterinary surgeon(s) as may be appropriate from time to time, based on the specific knowledge required. That any Consultant Veterinary Surgeon so instructed on behalf of the Council be authorised to enter any premises to advise as necessary on action to be taken under the animal welfare legislation listed in Appendix A.
13. To nominate officers for the Council in respect of Notifiable Disease and food poisoning and for action under Section 47 of the National Assistance Act 1948.
14. Pursuant to Section 19 of the Health and Safety at Work etc Act 1974, to appoint as Inspectors such persons having suitable qualifications as he or she thinks necessary for carrying into effect the provisions of the Act and to terminate any appointment made; and pursuant to Section 39 of the Health and Safety at Work etc 1974, to authorise any such Inspectors to prosecute before a Magistrates Court for any offence under the said Act or Regulations made thereunder.
15. To arrange for other people to accompany Inspectors on Inspections of work places under the provisions of the Health and Safety at Work etc Act 1974.
16. To endorse any agreed transfers of enforcement responsibility for any particular premises, or parts of premises, or any particular

activities carried on in them, from the Health and Safety Executive to the Council, or vice versa.

17. To submit, following consultation with the Assistant Director (Development Control), objections in connection with applications relating to Operators' Licences where it appears that the grant or variation of such a licence would be prejudicial to the public interest on environmental, traffic or highway grounds.
18. To give directions and make applications to the Magistrates Court in respect of unauthorised campers in the District.
19. To undertake prosecutions of hackney carriage drivers and private hire vehicle drivers for road traffic offences and other drivers for criminal offences relating to taxi ranks.
20. To authorise officers to discharge the functions in the European Communities Act 1972 and in particular the following Regulations made under that Statute:

Products of Animal Origin (Third Country Imports) (England) Regulations 2003 (as amended)
Products of Animal Origin (Import and Export) Regulations 1996

The following enactments and regulations made under these Acts:

APPENDIX A

Animal Boarding Establishments Act 1963
Betting, Gaming and Lotteries Act 1963
Breeding of Dogs Act 1973
Breeding of Dogs Act 1991
Building Act 1984
Caravan Sites Act 1968
Caravan Sites and Control of Development Act 1960
Cinemas Act 1985
Clean Air Act 1993
Control of Pollution Act 1974
Criminal Justice and Public Order Act 1994
Dangerous Dogs Act 1991
Dangerous Wild Animals Act 1976
Dogs (Fouling on Land) Act 1996

Environment Act 1995
Environmental Protection Act 1990
European Communities Act 1972
Factories Act 1961
Food and Environmental Protection 1985
Food Safety Act 1990
Game Act 1831
Game Licences Act 1860
Gaming Act 1968
Guard Dogs Act 1975
Health & Safety at Work Etc Act 1974
Home Energy Conservation Act 1995
Housing Act 1985 (as amended)
Housing Act 1996
Housing, Grants, Construction and Regeneration Act 1996
Housing Act 1988
Hypnotism Act 1952
Late Night Refreshment Houses Act 1969
Licensing Act 1964
Local Government (Miscellaneous Provisions Act) 1976
Local Government (Miscellaneous Provisions Act) 1982
Local Government Act 1972
Local Government Act 2000
Local Government and Housing Act 1989
Lotteries & Amusements Act 1976
Noise & Statutory Nuisances Act 1993
Offices, Shops and Railways Premises Act 1963
Party Wall etc Act 1996
Pet Animals Act 1951 and 1983
Prevention of Damage by Pests Act 1949
Private Places of Entertainment (Licensing) Act 1967
Protection from Eviction Act 1977
Public Health (Control of Diseases) Act 1984
Public Health Act 1936
Public Health Act 1961
Rags, Flock and Other Filling Materials Act 1951
Refuse Disposal (Amenity) Act 1978
Riding Establishments Act 1964
Road Traffic Act 1988
Scrap Metal Dealers Act 1964
Sunday Entertainment Act 1932
Sunday Theatre Act 1972

Sunday Trading Act 1994
Theatres Act 1968
Transport Act 1985
Vehicles (Crime) Act 2001
Water Industry Act 1991
Zoo Licensing Act 1981

4. OTHER MISCELLANEOUS DELEGATIONS

HEALTH

1. In accordance with the legislation falling within the duties and responsibilities of the Council's environmental health functions to all physicians working as consultants in public health medicine and employed by the Health Protection Agency or the Primary Care Trusts in Hertfordshire:

- (a) act as proper officer to the Council in respect of all matters relating to the control of the spread of infectious diseases and for the purpose of securing the removal to suitable premises of persons in need of care and attention;
- (b) provide medical input and advice to the Council

DELEGATION:

All physicians working as consultants in public health medicine and employed by the Health Protection Agency or a Primary Care Trust in Hertfordshire.

Executive Director (Head of Paid Service) and Executive Director (Returning Officer)

2. In accordance with the duties imposed on the Council under Section 47 of the National Assistance Act 1948 the Council to engage the services of a Medical Practitioner for the purposes of securing the removal to suitable premises of persons in need of care and attention.

DELEGATION:

Executive Director (Head of Paid Service)

MARKETS

1. In consultation with the Assistant Director (Direct and Contract Services) to seek injunctions and take all such proceedings as may be necessary to secure the cessation of any unauthorised non charitable markets operating on a commercial basis.

DELEGATION:

Assistant Director (Law & Control)

PARKS, OPEN SPACES AND ABANDONED VEHICLES

1. Restriction of the use or closure of bowling greens during periods of drought.
2. Control of the all grounds including Castle Gardens and Grounds at Bishop's Stortford and Hertford.
3. The letting of Council gardens and car parks.
4. The removal, storage and disposal of abandoned vehicles under the Refuse Disposal (Amenity) Act 1978

DELEGATION:

Assistant Director (Direct & Contract Services)

HIGHWAYS

1. To object to applications for Operators' Licences pursuant to Section 12 of the Goods Vehicle (Licensing of Operators Act) 1995 when there are reasonable grounds for considering that the requirements of Section 12 of the Act are not satisfied.

DELEGATION:

Assistant Director (Regulatory Services)

2. In consultation with the Assistant Director (Law & Control), to authorise appropriate action to be taken in respect of any contravention of any Order made under Section 35 of the Road Traffic Regulation Act 1984 (as amended) by persons at any car park(s) detailed within such an Order, subject to the outcome of any legal proceedings taken being reported to a subsequent meeting.
3. To investigate all requests received for road humps and make the necessary application(s) to the County Surveyor for funds, where the sites meet the criteria.
4. To pass the local Ward Member(s) any requests received for additional works or investigations for comment prior to their consideration at a meeting of the Highways Joint Member Panel.

5. To charge users a fixed charge equivalent to the charge for the first variable charging period on those occasions when a short stay car park's variable charge equipment is temporarily out of commission.
6. To authorise the use of the Council's off-street car parks by commercial and non-commercial organisations on Sundays only, and to determine the charge to be levied in such circumstances.
7. To waive car park charges in all the Council's car parks, on one day before Christmas, each year subject to the Town Councils concerned nominating which day was required.

DELEGATION:

Assistant Director (Direct & Contract Services)

STREET CLEANSING, WASTE COLLECTION AND MANAGEMENT

1. To administer the Scheme for the collection of trade refuse.
2. Approval of types and siting of litter bins provided by Parish and Town Councils.
3. To determine, in the first instance, whether street cleansing is necessary in the interests of public health or the amenity of the area pursuant to the Environmental Protection Act 1990 Code of Practice on litter and refuse.
4. To deal with requests for the provision of signs to prohibit litter or other nuisances within the highway or car parks, in consultation with the Leader.
5. The Head of Contract Services and Waste Management Officer be identified as contact officers for the public under the Code of Practice of the Environmental Protection Act 1990.
6. In consultation with the Assistant Director (Law & Control), to designate land as a "litter control area" and to serve Street Litter Control Notices, as appropriate in accordance with the provisions contained in Part IV of the Environmental Protection Act 1990.

7. Pursuant to Section 223 of the Local Government Act 1972 to authorise and institute proceeding in any Magistrates Court in respect of officers or other matters falling within the legislation in Appendix B (subject to the Assistant Director (Law & Control) being satisfied as to the sufficiency of the evidence).
8. To authorise officers to exercise powers and duties falling within the legislation referred to in Appendix B (below) where appropriate to officers possessing such qualifications as may be required by law or in accordance with the Council's policy and having the necessary competence and experience.
9. To authorise officers to serve and sign in their own name all authorisation, variation,, revocation and enforcement and other notices falling within the legislation referred to in Appendix B (below).

APPENDIX B

Environmental Protection Act 1990

Prevention of Damage by Pests Act 1949

Refuse Disposal (Amenity) Act 1978

DELEGATION:

Assistant Director (Direct & Contract Services)

Assistant Director (Regulatory Services)

SOCIAL HOUSING (MANAGEMENT)

1. In all cases involving arrears of mortgage payments and in consultation with the Assistant Director (Law & Control), to institute proceedings in the appropriate Court to obtain an order for possession of the property and/or recovery of all monies remaining outstanding under the mortgage, legal charge or further charge as the case may be.
2. In relation to the recovery of contributions to the cost of sewerage services in respect of Council Houses which are sold:-
 - (a) To determine actual annual costs and payments on account

(b) In consultation with the Executive, to make special arrangements in the case of hardship or, where necessary, to comply with an existing agreement

3. The appointment of Bailiffs and the issue of warrants to any bailiff so appointed and taking such steps as may be necessary, including the levying of distress upon the goods and chattels of the tenant concerned, for the recovery of arrears of rent owing to the Council in respect of the occupation of any Council dwelling under the control of the Assistant Director (Policy and Performance).

DELEGATION:

Assistant Director (Financial Services)

4. The allocation of properties for letting in accordance with the Council's policy.
5. The institution, in consultation with the Assistant Director (Law & Control), of legal proceedings for the recovery of arrears of rent owed by any tenant of a Council dwelling.
6. The service of Notice of Seeking Possession upon the tenant of any Council dwelling where that is considered necessary in accordance with one or more of the grounds for possession set out in Schedule 2 of the Housing Act 1985 (as amended by Housing Act 1996), provided that no action be taken to apply for an order for possession of the property concerned without the specific prior approval of the Executive.
7. The termination of agreements for letting of garages and parking spaces on Council land by the service of notice to quit in cases of arrears of rent or other breach of the conditions of tenancy.
8. To let houses, flats and garages and to give consent to assignments in respect of residential properties which are subject to long leases.
9. To increase the charges for single persons and married couples occupying bed and breakfast accommodation under the terms of Part VII of the Housing Act 1996 in line with and at the same time as increases are made in the charge to the Council for hotel

accommodation.

10. Any such other Officers as may be appointed, be authorised to determine all applications received under Part VII of the Housing Act 1996.
11. In all cases where information has been obtained from a member of the medical profession or from a health visitor in relation to an application for housing to determine the necessity in each case to seek the applicant's(s') consent to any disclosure of such information.
12. To determine applications from the leaseholders of Council residential accommodation to:-
 - (a) carry out alterations to the exterior walls subject to:-
 - (i) all components being in low maintenance or maintenance free materials with lessees to bear any additional maintenance costs arising from the works,
 - (ii) the alterations complying with current building regulations,
 - (iii) access to common services being maintained without the need to go inside the extension,
 - (iv) a deed or variation making the leaseholder or his successor individually responsible for the extra cost of maintenance of the extension,
 - (b) undertake extensions, if deemed appropriate, subject to:-
 - (i) extensions having a pitched tiled roof,
 - (ii) replacement/new windows being in UPVC,
 - (iii) extensions being within the confines of the existing boundaries of the property contained within the lease,

both horizontally and vertically,

- (iv) materials to match as far as possible the existing structure and the form of construction to be similar,
- (v) any extension to be for domestic/residential use only and must not at any time be used as a separate dwelling,
- (vi) a deed of variation making the leaseholder or his successor individually responsible for the extra cost of maintenance of the extension,
- (vii) no extensions to cover common rights of way.

The Executive would determine any appeals made by lessees against decisions arising from the exercise of this power.

13. To grant approval for schemes submitted by Housing Associations, and be the Council's approved signatory for such schemes, subject to liaison with the Assistant Director (Financial Services) as necessary; in addition, the Head of Community Development be designated an authorised signatory on behalf of East Hertfordshire District Council for Housing Corporation Scheme Approval and Grant Claims.

DELEGATION:

Assistant Director (Policy & Performance)

14. Where notices have been served under Section 83 of the Housing Act 1985, but arrears of rent are not being paid or suitable arrangements have not been made to clear the arrears, the Assistant Director (Law & Control), in consultation with the Assistant Director (Policy and Performance), be authorised to institute legal proceedings against any such tenants to obtain possession of the properties they occupy and for the recovery of all sums due to the Council, and to take any further action necessary to recover sums due to the Council under any money judgement obtained from the Court, including an application for an

Attachment of Earnings Order where this is deemed appropriate.

15. In consultation with the Assistant Director (Policy and Performance) and subject to advising the Leader or appropriate Executive Member, authorised to institute proceedings and take all further action necessary to recover possession of Council property which has been occupied by squatters without the Council's licence or authority.
16. In respect of non payment of rent by tenants of commercial properties (including residential accommodation as part of a Lease of such commercial property) and in consultation with the Assistant Director (Policy and Performance), to institute proceedings for recovery of rent and other monies owed to the Council, and to take possession of the property.

DELEGATION:

Assistant Director (Law & Control)

17. The payment of grants for housing repair and improvement including the implementation of adaptations to disabled persons dwellings in conjunction with the Social Services Department of the Hertfordshire County Council, in accordance with the relevant Circular and the Council's policy.

DELEGATION:

Assistant Director (Regulatory Services)

18. To commit expenditure on repairs and maintenance to properties under the control of the Assistant Director (Policy & Performance) within the amount included in the revenue estimates as approved by the Council for that purpose.

DELEGATION:

Assistant Director (Direct & Contract Services)

ARTS AND LEISURE

1. The Assistant Director (Policy & Performance), in consultation with the Executive, be authorised to implement the Council's annual arts award and give grants within budget and in accordance with the Council's policies.

DELEGATION:

Executive Director (Marketing)
Assistant Director (Policy & Performance)
Environmental Co-ordinator

2. Management and control of Castle Hall, Hertford subject to power to refuse any bookings being in consultation with the Executive.
3. Determination of the dates of Christmas and New Year closures of indoor swimming pools.
4. Authorised to satisfy himself/herself as to the competence and experience of a summer playscheme leader to organise and manage a trip away from a playscheme location in accordance with Guidelines for the Conduct of Summer Playscheme Trips.

DELEGATION:

Assistant Director (Direct & Contract Services)

HUMAN RESOURCES

1. Appointment of a Medical Adviser/Proper Officer and a Deputy to act in the absence of the Proper Officer.
2. Responsibility for an effective policy for the health, safety and welfare of Council employees to be implemented at all levels.
3. The determination of car allowances in accordance with the criteria adopted by the Council in accordance with the Council's current policy.
4. To award accelerated increments within Scales 1, 2 and 3 in recognition of approved examination success and individual merits

in accordance with the Council's current policy.

DELEGATION:

Executive Director (Head of Paid Service)

5. To hold and revise the list of politically restricted posts prepared under the Local Government and Housing Act 1989.

DELEGATION:

Assistant Director (Law and Control)

6. To be responsible for the custody of any document required to be published and kept available for public inspection under the Audit Commission Act 1998.

DELEGATION:

Assistant Director (Financial Services)

PROPERTY

1. Lettings of all properties (other than houses, flats and garages); consents to assignments and sub-lettings; the granting of easements and licences; entering into leases, sub-leases, licences and easements on behalf of the Council as lessee, sub-lessee, licensee or grantee as appropriate; consent to modification or release of restrictive covenants; rent reviews under existing and future leases, including the approval of terms, subject to reporting transactions half-yearly.
2. To pursue appeals against rating assessments on Council-owned and Council-occupied property which, in his judgement, are incorrect or excessive, and agree either new or revised rating assessments on Council-owned and/or occupied property on behalf of the Council.
3. In consultation with the appropriate Executive to prosecute or authorise the prosecution of persons committing malicious damage to Council property.
4. The letting of Council Offices.
5. To convey the freehold of electricity sub-station sites and to grant the necessary easements to the Electricity Board in respect of the

Thorley development and Council Housing developments.

DELEGATION:

Assistant Director (Financial Services)

LEGAL

1. In consultation with the Assistant Director (Financial Services) and the Executive, to determine requests for contributions towards legal costs incurred, or to be incurred, or by other local authorities, subject to a report being made to a subsequent meeting of the Executive.
2. In consultation with the Assistant Director (Regulatory Services) or the Head of Environmental Health to institute proceedings for Anti Social Behaviour Orders under Section 1 of the Crime and Disorder Act 1998.

DELEGATION:

Assistant Director (Policy and Performance)

3. To exercise the Council's powers to authorise Anti-Social Behaviour Orders and Acceptable Behaviour Contracts under the Crime and Disorder Act 1998.

DELEGATION:

Assistant Director (Law & Control)
Assistant Director (Policy & Performance)
Head of Housing and Community Planning
Community Safety Manager

DEMOCRATIC SERVICES

1. To submit a report to the Council or Committee (as the case may be) showing what allocation of seats would, in his/her opinion, best meet the requirements of Section 15(4) of the Local Government and Housing Act 1989, whenever
 - (a) the Council is required to review the allocation of seats on Committees between political groups, or
 - (b) the Council resolves to carry out such a review, or

- (c) a Committee is required to review the allocation of seats on a Sub-Committee between political groups, or
- (d) a Committee resolves to carry out such a reviews:

DELEGATION:

Executive Director (Returning Officer)

FINANCE

1. To be responsible for internal audit functions.
2. To be responsible for the operation of IT services within the Council.
3. Appointment of a Bailiff for the whole or part of the area as the need arises.
4. Authorisation of loans for car purchase in accordance with National Conditions of Service.
5. The implementation of any prescription of a body by the Secretary of State pursuant to Section 177(2)(c) of the Local Government Act 1972 in relation to Members' attendance allowances, and
 - (a) Sign cheques and all other financial documents or agreements on behalf of the Council
 - (b) Institute an action considered appropriate to recover any monies due to the Council directly or under Agency arrangements
 - (c) Institute and appear in any legal proceedings relating to the recovery of monies due to the Council directly or under Agency arrangements in accordance with the provisions of Section 223 of the Local Government Act 1972.

DELEGATION:

Assistant Director (Financial Services)

6. The Holder for the time being of the following posts:-

Assistant Director (Financial Services)
Head of Accountancy Services
Principal Accountants (as approved by the Assistant Director
(Financial Services)
Head of Internal Audit

be authorised to:-

Sign Bonds, Bank Transfers and other financial documents,
countersign cheques (except Assistant Director (Financial
Services)) and authorise amendments to cheques and the

Assistant Director (Financial Services) be additionally authorised
to:-

- (a) Institute any action considered appropriate to recover any monies due to the Council directly or under Agency arrangements
- (b) Institute and appear in any legal proceedings relating to the recovery of monies due to the Council directly or under Agency arrangements in accordance with the provisions of Section 223 of the Local Government Act 1972.

7. Wherever necessary to amend affected charges for services to take account of changes in VAT or other forms of taxation provided that any action taken shall be reported to the next convenient meeting of the Executive.

DELEGATION:

Assistant Director (Financial Services)
Head of Accountancy Services
Principal Accountant (MB)
Principal Accountant (RI)
Head of Internal Audit

1. To vary the rate of interest and issue notices to the Council's mortgages of any changes in the Council's rate of interest.

DELEGATION:

Assistant Director (Financial Services)

2. The holders for the time being of the following posts be authorised to institute and appear in any legal proceedings relating to the

Valuation and Council Tax Tribunals on behalf of the Council:-

Head of Revenue Services
Principal Revenue Officer
Assistant Revenue Officer
Senior Revenue Officer

DELEGATION:

Head of Revenue Services
Principal Revenue Officer
Assistant Revenue Officer
Senior Revenue Officer

3. The holder for the time being of the following post be authorised to institute and appear in any legal proceedings relating to Council Tax and National Non Domestic Rates relating to Valuation Tribunal Appeals:-

Head of Revenue Services

DELEGATION:

Head of Revenue Services

4. To carry out all functions arising out of Part II of the Social Security and Housing Benefits Act 1982 (and any amendments thereto) except where legislation requires specific Councillor involvement.
5. To exercise discretion under the 1988 Housing Benefits Scheme to disregard, in determining a person's income, the whole of any war disablement pension or war widow's pension payable to that person.
6. To adjust the fuel allowance for leased cars in light of any significant change in the price of fuel, subject to any adjustment being reported to the next meeting of the Executive.
7. To deal with all applications received for discretionary relief under Section 47 of the Local Government Act 1988 in accordance with the Council's guidelines.
8. To disregard the whole of any ware disablement pension or war widow's pension in determining a person's income under the 1989

Community Charge Benefits Scheme and any amendment thereto.

9. To carry out all the charging and collection functions arising out of Parts I to III of the Local Government Finance Act 1988 (and any amendments thereto) except for:-
- (a) the determination of discretionary non-domestic rate relief,
 - (b) the writing-off of debts in excess of £2,000,
 - (c) the reduction or remission of liability under Section 49.
17. To write-off all Community Charges, Council Tax and NNDR outstanding, with the exception of a nominal sum of £5 in respect of each arrears payments, which are the subject of formal bankruptcy or liquidation claims.
18. To fix charges for the service of a Summons (Liability Order) for non-payment of Community Charges, Council Tax and NNDR and the issue of a Distress Warrant subject to the approval of the Court.

DELEGATION:

Assistant Director (Financial Services)

19. In accordance with the provisions of Section 223 of the Local Government Act 1972:-
- (a) the holders for the time being of the following posts be authorised to appear in any legal proceedings relating to Community Charges, Council Tax and National Non-Domestic Rate (NNDR) recovery on behalf of the Council:-

Head of Revenue Services
Principal Revenue Officer
Assistant Revenue Officer
Senior Revenue Assistants (3)
and
 - (b) the holder for the time being of the following post be authorised to institute and appear in any legal proceedings relating to Community Charges, National Non-Domestic Rate (NNDR) and Council Tax recovery on behalf of the Council:-

Head of Revenue Services, or in his absence, the Principal

Revenue Officer

DELEGATION:

Head of Revenue Services
Principal Revenue Officer
Assistant Revenue Officer
Senior Revenue Assistants

20. To administer and manage the Council's Collection Fund.
21. To set precept dates.
22. To take day-day decisions in relation to the Council's external investment fund, in consultation with the Council's external adviser, within the parameters set by the Council
23. To administer the Council's Insurance Fund (subject to the presentation of an annual report to the Executive on its performance and application).
24. To make such determinations as are required under Part IV of the Local Government and Housing Act 1989 and report the action taken to the Executive for information.
25. To take day-to-day decisions in respect of the investment of Council funds.
26. To implement changes in the travel and subsistence allowances payable to Members of the Council as determined by the Secretary of State for the Environment from time to time, subject to consultation with the Executive and Leader of the Council.
27. To refuse relief in respect of any application for reduction in Non-Domestic Rate bills refused by the Council and subsequently submitted by an applicant in similar form within six months of the date of that decision unless, in his opinion, there is a significant change in circumstances in which case the application shall be submitted to the appropriate body for determination.
28. To carry out all the charging and collection functions arising from the Local Government Finance Act 1992 (and any amendment thereto) except for the writing-off of debts in excess of £2,000.

29. To determine and pay additional benefit in cases of “exceptional hardship” under Housing Benefit Regulations.

DELEGATION:

Assistant Director (Financial Services)

4. **A. DESIGNATION OF “PROPER OFFICERS”**

The following are the Proper Officers of the Council under the enactments shown below. The alternative Proper Officer is also authorised to act.

Section of the Local Government Act 1972	Proper Officer	Alternative Proper Officer
<p>83 (1) to (4) Witness and receipt of Declarations of Acceptance of Office</p> <p>84 Receipt of Declaration of Resignation of Office</p> <p>88 (2) Convening of meeting of Council to fill casual vacancy in the office of Chairman</p> <p>89 (1) (b) Receipt of notice of casual vacancy from two local government electors</p> <p>96 (1) Receipt of notice of pecuniary interest</p> <p>96 (2) Keeping record of disclosures of pecuniary interest under Section 94, and of notices under Section 96 (1)</p>	<p>Assistant Director (Law and Control) Head of Democratic Services</p>	
<p>115 (b) Receipt of money due from officers</p> <p>146 (1) (1) and (b) Declarations and service with regard to securities</p> <p>151 Responsibility for the proper administration of the Council’s financial affairs</p>	<p>Assistant Director (Financial Services)</p> <p>Assistant Director (Financial Services)</p>	<p>Head of Accountancy Services</p>

Section of the Local Government Act 1972	Proper Officer	Alternative Proper Officer
212 (1) Local Register for Land Charges 225 (1) Proper Officer function - deposit of documents	Assistant Director (Law and Control)	Head of Democratic Services
228 (3) Accounts of any Proper Officer to be open to inspection by any Member of the Authority	Assistant Director (Financial Services)	
229 (5) Certification of Photographic copies of Documents	Assistant Director (Law and Control)	Head of Democratic Services
234 Authentication of Documents	Head of Democratic Services	Officer authorised in that connection by Standing Orders, by a general delegation or otherwise the Assistant Director (Law and Control) in the absence of such authority.
234 Officer authorised to sign forms of notice to give effect to planning applications	Assistant Director (Development Control)	Head of Development Control
236 (9) To send copies of byelaws to Parish Council 238 Certification of byelaws	Assistant Director (Law and Control)	Head of Democratic Services
Schedule 12, Para 4 (2) (b) Signature of summonses to Council Meetings	Assistant Director (Law and Control)	Head of Democratic Services

4. **B. OTHER “PROPER OFFICER” DESIGNATIONS ARE AS FOLLOWS:**

**(i) LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
AMENDING THE LOCAL GOVERNMENT ACT 1972**

Section of the Local Government (Access to Information) Act 1985 amending the Local Government Act 1972 and Proper Officer’s Functions	Proper Officer	Alternative Proper Officer
<p>S,100B (2) Circulation of papers and reports</p> <p>S.100B (5) Withholding of reports containing exempt information</p> <p>S.100B (7) (c) Supply of papers to press</p> <p>S.100C (2) Summaries of Minutes</p> <p>S.100D Inspection of background papers</p> <p>S.100F Members’ right to papers</p>	<p>Assistant Director (Law and Control)</p>	<p>Head of Democratic Services</p>

(ii) REPRESENTATION OF THE PEOPLE ACTS AND REGULATIONS MADE THEREUNDER

Representation of the People Acts and Regulations made thereunder and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
Registration Officer, Returning Officer and Proper Officer functions	Executive Director (Returning Officer)	Head of Democratic Services

(iii) LOCAL GOVERNMENT FINANCE ACT

Section of the Local Government Finance Act 1988 and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
Section 114 Duty to report etc	Assistant Director (Financial Services)	Head of Accountancy Services

(iv) LOCAL GOVERNMENT AND HOUSING ACT 1989

Section of the Local Government and Housing Act 1989 and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
Section 4 Head of Paid Service	Executive Director (Head of Paid Service)	-
Section 5 Monitoring Officer	Assistant Director (Law and Control)	Head of Democratic Services
Section 19 and regulations made thereunder. Notices of Members' Interest. Maintenance of Records.	Assistant Director (Law and Control)	Head of Democratic Services

Section of the Local Government and Housing Act 1989 and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
Section 2 Deposit of politically restricted posts	Assistant Director (Law and Control)	Head of Democratic Services

(v) MISCELLANEOUS

Miscellaneous	Proper Officer	Alternative Proper Officer
Officers authorised to issue authorisations to carry out directed surveillance or to use covert human intelligence sources under Part II of the Regulation of Investigatory Powers Act 2000.	Assistant Director (Regulatory Services) Assistant Director (Direct & Contract Services) Assistant Director (Financial Services) Head of Environmental Health Environmental Health Managers Assistant Director (Development Control) Head of Development Control Head of Benefits Head of Revenues Head of Internal Audit Head of Paid Service	-
Where knowledge of confidential information is likely to be acquired or when a vulnerable individual or a juvenile is to be used as a source.		