

Part 3C – Officers’ Responsibility for Functions

OFFICER DELEGATION

1. Introduction

The Council has adopted a Corporate Plan to put environmental sustainability at the heart of everything it does; enable its communities and invest in its places; encourage economic growth; and maximise the benefits to the community and Council services of digital connectivity and technology. To enable that vision, managerial and operational decisions are taken, within a framework of democratic accountability at the most appropriate level. The scheme is to be interpreted widely to give effect to this overall purpose by empowering staff to carry out their functions and deliver the council’s services within the budget and policy framework set by the Council, and subject to the guidelines set by the Executive and the council’s Leadership team.

2. Overall Limitations

- 2.1. The exercise of delegated powers is subject to the following overriding limitations.
- 2.2. Where broad functional descriptions are used, the delegations in this scheme should be taken to include powers and duties within all present and future legislation, and all powers incidental to that legislation, including the incidental powers and duties under Section 111 of the Local Government Act 1972.

3. Sub-Delegation

Any Officer with delegated powers in this scheme is also authorised to further delegate in writing all or any of the delegated functions to other officers (described by name or post) either fully or under the general supervision and control of the delegating officers. Administrative functions

ancillary to the exercise of delegated powers are deemed to be carried out in the name of the officer exercising the function.

Further Provisions

- 3.1. It shall always be open to an officer not to exercise his or her delegated powers but to refer the matter to the Council, Executive, or relevant Committee (as appropriate) for decision.
- 3.2. In exercising delegated powers, officers shall consult other officers as appropriate and have regard to any advice given. In particular, officers must have regard to any report by the Head of Paid Service or the Monitoring Officer under Sections 4 and 5 of the Local Government and Housing Act 1989.
- 3.3. In exercising delegated powers, officers shall consider whether the matter is controversial or major and if so shall as appropriate consult or inform the relevant Executive Member and/or Ward Member(s).

4. Member Consultation

- 4.1. Officers exercising delegated powers in accordance with this scheme are expected in appropriate cases to:
 - (a) maintain a close liaison with the appropriate portfolio holder or in their absence the Leader or another Executive Member;
 - (b) in the case of temporary or project specific delegations officers will consult relevant Executive Members;
 - (c) ensure the Ward Members are consulted or advised of the exercise of delegated powers;
 - (d) ensure that the Chief Executive, the Head of Strategic Finance and Property Services and the

Head of Legal and Democratic Services are consulted and advised of any decisions as necessary; and

- (e) before exercising any delegated power, officers must consider whether to exercise the delegated power or refer the matter to the relevant Member or member body to decide.

5. Reservations

5.1. This scheme does not delegate to officers:

- (a) any matter reserved by law to the Council, the Executive, the Leader of the Council, a Committee or Sub-Committee of the Council; and
- (b) any matter which is specifically excluded from delegation by the scheme or by resolution of the Council or Executive.
- (f) .

6. Restrictions

6.1 Officers may only exercise delegated powers in accordance with:

6.2 statutory requirements, guidance and codes of practice;

6.3 the Budget and Policy Framework, including all plans, schemes and strategies approved by or on behalf of the Council or Executive;

6.4 the Council's Procedure Rules including Financial Limits; and

6.5 the Council's equalities and other policies, procedures, standards and the Local and National Conditions of Service

7. Delegation in the case of absence or inability to act

- 7.1 If the officer/s having delegated authority under the Scheme are absent or otherwise unable to exercise their delegation, and there is no other officer to whom the authority has been sub-delegated, these provisions shall apply.
- 7.2 The duties of the Monitoring Officer and the Chief Financial Officer can be carried out by a deputy, nominated by them, in cases of absence or illness.
- 7.3 The Head of Paid Service may nominate a deputy in the event of absence or illness.

8. Permissions

8.1 Chief Executive, Deputy Chief Executive, all Heads of Service and their duly authorised officers

The delegations that follow apply to the Chief Executive, Deputy Chief Executive and Heads of Service or their duly authorised officers. This scheme delegates to post holders named or described in the Areas of Responsibility section all the powers and duties relevant to those areas of responsibility that rest with the Council or Executive or which have been delegated or granted to the Council, subject to the limitations, restrictions and reservations set out above, within the delegations below and the detailed scheme of delegation. This includes all powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation including but not limited to:

8.2 Powers in relation to staff

Take any action in accordance with the council's agreed policies and procedures with respect to the recruitment, appointment, promotion, training, grading, discipline, determination of wages and salary scales, determination of allowances, determination and application of conditions of service, including but not limited to allocation of leave, honorariums, ill health retirements and determination of establishment except as specifically delegated to the Head of Human Resource and Organisational Development and

except as detailed in the Officer Employment Procedure Rules.

8.3 Powers in relation to contracts and property

Powers in relation to contracts and property agreements to negotiate, put out to tender, bid, submit tenders, vary, terminate, dispute, extend and renew and in relation to contracts to buy and sell and in relation to the property to acquire, dispose of, let and licence except as detailed in the council's Financial Regulations and Contract Procedure Rules in Part 4 of this Constitution.

8.4 Powers in relation to finance

Powers to incur capital and revenue expenditure, to seek recovery of amounts owed, to exercise discretion in recovery, alter or waive repayment periods or approve exemptions in relation to repayments, agree refunds, reduce or remit payments and waive fines, as detailed in the Financial Regulations and Contract Procedure Rules in Part 4 of this Constitution.

8.5 Powers in relation to legal action

Powers to authorise, appoint or nominate officers, and to investigate, prosecute, enforce, lay summons, require individuals to disclose information, serve requisitions for information, publish information, apply to a court, sign notices, issue, serve, vary, revoke and publish notices, including fixed penalty notices and serve documents, make prohibition orders, suspend or vary a prohibition order, take emergency remedial action, carry out works in default, issue certificates, issue consents, issue licences and licence applications, issue permits, refuse vary or revoke licensing applications, issue temporary exemption notices, obtain, introduce, operate, amend extend, vary and revoke orders. Impose conditions, introduce and maintain registers, exercise powers of entry without force, apply for a warrant and in relation to land relevant to the service functions to note applications for licences, planning, consent and approvals, declarations and grants except as specifically detailed in the delegations below.

These powers shall be taken with reference to the Head of Legal and Democratic Services where relevant.

8.6 Areas of responsibility

For the purposes of the Permissions above the areas of responsibility are as follows:

Chief Executive and Deputy Chief Executive	Overall responsibility for the delivery of the Council's vision through the delivery of the Corporate Strategic Plan, including cross cutting individual initiatives and projects and the leadership and management of the organisation as a whole.
Head of Operations	Leisure Services Waste Management Parks and Open Spaces Hertford Theatre Parking Economic Development Market operations Environmental enforcement and Inspections
Head of Human Resources and Organisational Development	Organisational Development Payroll Training and Development Health and Safety HR Policy HR Services Employee Relations
Head of Communications Strategy and Policy	Communications and Digital Media Customer Services Economic Development Improvement and Insight Information Web New Media Business Development Performance

	<p>Strategy Policy Equalities Agenda Corporate Consultation Graduate Support</p>
<p>Head of Strategic Finance and Property</p>	<p>Accountancy Audit Transactional Finance Treasury Management Property and Estates Facilities Management Procurement Risk Insurance</p>
<p>Head of Legal and Democratic</p>	<p>Democratic Services Legal Electoral Services Member and Civic Support Freedom of Information Data Protection Land Charges Scrutiny</p>
<p>Head of Housing and Health</p>	<p>Housing Community Safety Engagement and Partnerships Community Transport Public Health and Wellbeing Licensing Environmental Health Safeguarding Emergency Planning Engineering and Drainage</p>
<p>Head of Planning and Building Control</p>	<p>Development Management Planning Policy Heritage and Conservation Urban Design Section106 Agreements / Community Infrastructure Levy Building Control</p>

	Planning Enforcement
Head of Shared Business and Technology Services (Strategic ICT Partnership Manager)	Business and Technology Shared Service
Head of Revenues and Benefits Shared Service	Revenues and Benefits Shared Service

8.7 OFFICER SPECIFIC DELEGATIONS

Any delegation to an officer includes authority for any further delegation within the relevant Area of Responsibility, in the case of the Chief Executive or those acting as Chief Executive, this includes all Heads of Service and below. Officers shall devolve responsibility for service delivery and management to those staff who represent the nearest practicable point of delivery to the service user.

9. The Chief Executive

- 9.1 The Chief Executive has been appointed the Council's Head of Paid Service.
- 9.2 The following powers and duties are delegated to the Chief Executive. With the exception of 9.2(q) below, for which there are separate arrangements, if he or she is absent or otherwise unable to exercise the delegation, they may be exercised by the Deputy Chief Executive. In the case of 9.2(e) below, should the Chief Executive and Deputy Chief Executive be absent or unable to act, the power may be exercised by a Head of Service:
- (a) to carry out the powers and duties of any of the officers in their absence or in consultation with them (excluding the statutory functions of the Monitoring Officer and the Section 151 officer);

- (b) to authorise a Head of Service to act in his/her absence on any matter within his/her authority;
- (c) all matters relating to staffing, employment, terms and conditions and industrial relations for the council's workforce, save those matters which have been delegated to Heads of Service above and those relating to the Head of Paid Service and Chief Officers;
- (d) to determine changes within the management structure where these involve substantial changes to responsibilities of first and second tier posts;
- (e) where emergency action is required, to take any action, including the incurring of expenditure;
- (f) to exercise the functions of the Head of Paid Service under the provisions of the Local Government and Housing Act 1989;
- (g) in cases of urgency take any decision which could be taken by the Council, the Executive or a Committee in consultation with the Leader, provided that any such decision shall be reported to the next meeting of the Executive, appropriate Committee or Council unless there is a need for confidentiality, in which case the reporting of the decision may be deferred until the need for confidentiality expires;
- (h) to alter the areas of responsibility of the Heads of Service set out in the Areas of Responsibility section of this scheme;
- (i) to issue redundancy notices immediately it becomes apparent that redundancies are likely to arise, subject to any policy constraints which may be applied;
- (j) to rearrange dates and times of meetings, previously approved, following consultation with the Leader of the Council; such action being necessary in the interests of the efficient running of the Council;

- (k) to respond, in consultation with the Leader, to consultation documents in accordance with the council's approved policies;
- (l) to negotiate and settle claims by or against the council where this is considered to be in the best interests of the council in consultation with the relevant Head of Service and Head of Legal and Democratic Services;
- (m) to carry out all duties and responsibilities and exercise all power under the Localism Act 2011 in relation to a Community Right to Challenge and where appropriate to nominate officers to carry out those duties or appoint external officers to carry out part or all of those duties or exercise powers;
- (n) having consulted where appropriate with the relevant Member, to issue news releases and to call press conferences;
- (o) to issue and renew authorisations for officers, and appoint Inspectors to enter premises for the purpose of their official duties, in pursuance of statutory provisions in that behalf;
- (p) after consultation with the Head of Legal and Democratic Services and the Monitoring Officer to make revisions and amendments to the list of Politically Restricted Posts maintained under Section 2 of the Local Government and Housing Act, 1989 and to give Certificates of Opinion in connection with applications for exemption;
- (q) to act as Returning Officer, and any variation thereof as appropriate to different elections, and to appoint from time to time such Deputy Returning Officers as appear necessary for the proper conduct of elections; and to act as the Electoral Registration Officer, and appoint deputy Electoral Registration Officers. In the event that the Chief Executive is absent or incapacitated, the proper officer for the

purposes of exercising the functions of the Electoral Registration Officer shall be the Elections Manager;

- (r) within approved budgets, to determine all fees for functions carried out in respect of electoral registration and elections;
- (s) in consultation with the Leader to designate an officer of the council as its Monitoring Officer.
- (t) to designate a polling place for each polling district under Sections 18 and 18B of the Representation of the People Act 1983; and
- (u) to undertake a review of polling districts and places under section 18C of the Representation of the People Act 1983.

10 Deputy Chief Executive

- 10.1 To carry out the role of the Chief Executive and Head of Paid Service in his/her absence.
- 10.2 To lead on cross cutting projects spanning the council.
- 10.3 To take any steps necessary for the day to day management and routine administration of matters within their remit without reference to the Executive or a Committee but subject to any necessary reference to the Head of Paid Service.
- 10.4 To take emergency action necessary for the safety of the public or the preservation of property of the council.

Heads of Service

11 Head of Human Resources and Organisational Development

- 11.1 Human Resource matters should be subject to the overall direction of the Head of Paid Service.

- 11.2 To administer and implement the council's organisational, employee development and human resources plans in consultation with Leadership team.
- 11.3 To interpret and apply pay scales and conditions of service for all employees.
- 11.4 To administer the granting of awards and application of benefits in consultation with Leadership team.
- 11.5 To interpret and apply human resources policies.
- 11.6 To be responsible for an effective policy for the health, safety and welfare of council employees to be implemented at all levels.

12 Head of Legal and Democratic Services

- 12.1 To carry out all legal action as specified under Permissions above in consultation with the relevant Head of Service or their appointed deputy in their absence.
- 12.2 To hold and revise the list of politically restricted posts, in consultation with the Chief Executive, and to issue a Certificate of Opinion in connection with the Local Government and Housing Act 1989 – Politically Restricted Posts.
- 12.3 To carry out a review and submit a report to Council as to the allocation of seats in accordance with the Local Government and Housing Act 1989 political balance provisions.
- 12.4 To take all necessary steps in legal proceedings against any person or body authorised by the Council.
- 12.5 To take all necessary steps to defend the council in legal proceedings against the council brought by any person or body, including in Employment Tribunals.
- 12.6 To certify resolutions and documents as being correct.

- 12.7 To obtain Counsel's Opinion or instruct Counsel to appear on behalf of the Council whenever he/she considers such action advisable.
- 12.8 To insert and cancel entries in the Local Land Charges Register and otherwise to take all steps in respect of searches.
- 12.9 In consultation with appropriate officers, to grant wayleaves to statutory undertakers.
- 12.10 To withdraw legal proceedings in his or her discretion.
- 12.11 To fix charges for legal work carried out by the council.
- 12.12 To institute legal proceedings in respect of any contravention of any licences, permits or consents and/or any breach of any condition attached thereto.
- 12.13 To authorise officers of the Council to prosecute or defend or appear in any legal proceedings by virtue of the provisions of Section 223 of the Local Government Act 1972.
- 12.14 To exercise the required discretion whether or not to prosecute or defend legal proceedings on behalf of the council in accordance with Section 222 of the Local Government Act 1972.
- 12.15 To sign on behalf of the council any deed or other document, which, in his or her professional judgment, is necessary or desirable to sign.
- 12.16 To act as Deputy Electoral Registration Officer.
- 12.17 To make changes to the Local Land Charge fees, including making changes to existing charges and the introduction of new charges and fee arrangements for new land charge services.
- 12.18 To administer the naming and numbering, including the renaming and renumbering, of streets and buildings in the District in consultation with parish and town councils.

13 Head of Strategic Finance and Property

- 13.1 To deliver, direct and manage the medium term financial planning of the organisation ensuring it is monitored and reported in a timely accurate fashion.
- 13.2 To deliver unqualified Statement of Accounts in accordance with legislative requirements.
- 13.3 To review listing decisions and compensation decisions for assets of community value.
- 13.4 To represent the council on the Management Board for the Hertfordshire Shared Audit Service (SIAS) and the Shared Anti-Fraud Service (SAFS).
- 13.5 Appoint Debt Recovery Agents for the whole or part of the district as the need arises.
- 13.6 Authorise and sign bank transfers and other payment types, including cheques and amendments to cheques.
- 13.7 Wherever necessary, to amend and agree affected charges for services to take account of changes in VAT or other forms of taxation, provided (in respect of Enforcement Agents), that any action taken shall be reported to the next convenient meeting of the Executive.
- 13.8 To be responsible for the rate of interest for any of the council's borrowing activities and issue notices to the council's mortgages of any changes in the council's rate of interest.
- 13.9 To administer and manage the council's Collection Fund.
- 13.10 To set precept dates in agreement with precepting partners.
- 13.11 To administer the council's insurances fund.
- 13.12 To make determinations within approved budget as are required under Part IV of the Local Government and Housing Act 1989 in respect of the funding of expenditure

capital (but not in respect of borrowing limits) and report the action taken to the Executive for information.

- 13.13 To take day-to-day decisions in respect of the investment of council funds in accordance with the Annual Treasury Management strategy last approved by the Council.
- 13.14 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.
- 13.15 Lettings of all properties; 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 to the Executive.
- 13.16 To pursue appeals against rating assessments on council-owned and council-occupied property which, in his or her 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.
- 13.17 In consultation with the appropriate Executive Member and Head of Legal and Democratic Services to prosecute or authorise the prosecution of persons committing malicious damage to council property.
- 13.18 The letting of council offices.
- 13.19 To make future updates of the room hire pricing structure.
- 13.20 To convey the freehold of electricity sub-station sites and to grant the necessary easements to electricity suppliers/distributors in respect of developments.
- 13.21 The appointment of Debt Recovery Agents (Enforcement Agents) and the issue of warrants to those 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.

14 Head of Revenue and Benefits Services

- 14.1 Authorise officers in consultation with the Head of Legal and Democratic Services to institute and appear in any legal proceedings relating to council tax and national non-domestic rates.
- 14.2 To receive and process housing benefit and council tax support applications including initial reviews of decisions relating thereto and to approve the backdating of housing benefit payments and council tax benefit payments to attend, as necessary, valuation and council tax tribunal hearings.
- 14.3 To exercise discretion under the 1988 Housing Benefits Scheme (and any amendments thereto) to disregard, in determining a person's income, the whole of any war disablement pension or war widow's pension payable to that person.
- 14.4 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 under Section 47, which should be undertaken in accordance with the most recent discretionary rates relief policy approved by Executive;
 - (b) other than for debts referred to in 14.5 below (bankruptcy or liquidation) the writing-off of debts in excess of £5,000; and
 - (c) the reduction or remission of liability under section 49.
- 14.5 To write-off all council tax and national non-domestic rates outstanding debts which are the subject of formal bankruptcy or liquidation claims or debt relief orders.

- 14.6 To determine charges for the service of a Summons and Liability Order for non-payment of council tax and national non-domestic rates and the issue of a Distress Warrant subject to the approval of the Court.
- 14.7 To enter into agreements for deferred payment of national non-domestic rates, subject to registration of a charge on the Land Register, and in accordance with council policy.
- 14.8 To consider, in respect of any reapplication for reduction in Non-Domestic Rate bills (within six months of refusal), whether there is a significant change in circumstances in which case the application shall be submitted to the relevant Executive Member for consideration.
- 14.9 To determine and pay Discretionary Housing payment in accordance with Housing Benefit regulations and section 13 (A)(1)(c) Local Government Finance Act 1992, relating to Exceptional Hardship in respect of council tax.

15 Head of Planning and Building Control

- 15.1 To determine planning, Listed Building, reserved matters and advertisement applications **except where** the application:
- (a) is an outline or full permission for a major development as defined in the Town and Country Planning (Development Management Procedure) Order (England) 2015 as amended, except:
 - (i) applications which are for major development by virtue of the extent of the site area only (which remain delegated);
 - (ii) where the application is a reserved matters application pursuant to a previous major application which, itself has been approved (which remain delegated); and
 - (iii) where the application is a major application which, having considered the requirements of

the development plan and all other relevant material planning considerations, the Head of Planning and Building Control recommends to be refused and, in that case, following confirmation in writing from the Chairman of the Development Management (DM) Committee and a minimum of one local ward Member of their agreement with that recommendation, this remains as a delegated decision.

- (b) is a non-material or minor material amendment application (variation) pursuant to a previous major application except where the planning case officer has sought, and had confirmed in writing from the Chairman of the DM Committee and a minimum of one local ward Member, that the matter can be dealt with as a delegated decision;
- (c) is by a Member of the council;
- (d) is by an officer of the council employed in the planning service area;
- (e) is by an officer of the council, other than one employed in the planning service area and proposes development other than householder development;
- (f) is one where a Member considers that delegated powers should not be exercised by the Head of Planning and Building Control. In which case the Member must contact the Chairman of the Development Management Committee to seek referral, submitting a completed application referral request form stating the reasons why the decision should not be delegated. The decision remains delegated until the DM Chairman confirms the referral request;
- (g) requires reference to the Secretary of State;
- (h) is for approval and requires linking to an agreement under Section 106 of the Town and Country Planning Act (s106 Agreement) (except applications which

propose a variation to an existing s106 Agreement, or a s106 Agreement which is related to a development other than a major development and, in those cases, subject to confirmation in writing from the Chairman of the DM Committee and a minimum of one local ward Member; and

- (i) is for development by or on behalf of the council, or which relates to a site in which it has a landowning interest, to which an objection has been made which is material to the development proposed.

- 15.2 To take all actions as necessary with regard to the receipt, validation, consultation and administration of all application types.
- 15.3 To take all actions as necessary with regard to the administration and submission of the council's case, including any review, alteration, amendment or withdrawal of that case, following the appeal of a planning decision that has been made under delegated powers.
- 15.4 To take all actions as necessary with regard to the administration and submission of the council's case, including any review, alteration, amendment or withdrawal of that case, in consultation with the Chairman of the Development Management Committee and a minimum of one local ward Member (where substantive change is proposed), following the appeal of a planning decision that has been made by the Development Management Committee.
- 15.5 To take all actions to negotiate and finalise the detail of legal agreements under s106 of the Town and Country Planning Act as amended, following authorisation of the heads of terms of such agreements by the Development Management Committee (where relevant), and in consultation with the Head of Legal and Democratic Services.
- 15.6 To take enforcement action in relation to legislation within the remit of the Area of Responsibility and in particular as detailed below:

- (a) to serve Planning Contravention Notices where it appears that a contravention of planning control has taken place;
- (b) to issue Stop Notices, Enforcement Notices, Enforcement Orders and Advert Removal Notices
To issue Breach of Condition Notices and Notices under Section 215 of the Town and Country Planning Act 1990 as amended in consultation with the Head of Legal and Democratic Services; and
- (c) in cases of urgency and subject to consultation with the Chairman, to arrange for the serving of temporary stop notices, urgent works notices, repairs notices and Directions under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, and directions relating to unlisted buildings in conservation areas.

15.7 In consultation with the Head of Legal and Democratic Services, to apply for injunctions in appropriate cases where there are any breaches of planning and/or building control, Tree Preservation Orders, or Listed Building and Conservation legislation where it is felt that contravention of planning and/or building control has taken place, and to give any undertakings in damages in such cases.

15.8 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 the matter be referred to the DM Committee and, in those cases with the agreement of the Chairman of the DM Committee.

15.9 To make Tree Preservation Orders, and to determine applications for consent for the cutting down, topping or lopping of trees applications under the Hedgerow regulations 1997 and exercise the powers and duties relating to high hedges under the Anti-social Behaviour Act 2003.

- 15.10 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 or her under Section 77, or has dismissed an appeal against the refusal of a similar application, and where, in the opinion of the Head of Planning and Building Control, there has been no significant change since the refusal or dismissal in the Development Plan or in any other material considerations.
- 15.11 The consideration, approval and payment of grants in respect of works to Listed Buildings, Heritage Assets at Risk, Undesignated Heritage Assets and with regard to Conservation Areas.
- 15.12 To exercise the council's planning powers for control of demolition.
- 15.13 To approve or reject plans submitted as non-material amendments to planning applications other than major planning applications.
- 15.14 To determine applications for certificates of appropriate alternative development.
- 15.15 To determine applications for certificates of lawful use and development in relation to proposed used and existing use (in consultation with the Head of Legal and Democratic Services).
- 15.16 To make observations on development proposals by or on which comments are sought by Government Departments, statutory undertakers, and Hertfordshire and Essex County Councils and any other Local Planning Authority, which, where relevant, are substantially in accordance with the council's policies and are not likely to be controversial.
- 15.17 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.

- 15.18 To advertise in the local press and/or by a notice on site applications for planning permission as required by any Development Order made by the Secretary of State.
- 15.19 After consultation with the Chairman of the Development Management Committee and the Head of Legal and Democratic Services, to institute legal proceedings in respect of the contravention of Tree Preservation Orders and unauthorised works to trees in Conservation Area.
- 15.20 To enter into Planning Performance and Extension of Time Agreements.
- 15.21 To determine the submission of nominations for the registration of Assets of Community Value.
- 15.22 To authorise 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.
- 15.23 To determine submissions as to whether prior approval is required in relation to any of the forms of permitted development for which a prior approval process is required as set out in government regulations (as may be subsequently amended) and in relation to all of the matters which, as specified in the appropriate regulations, those approvals are to be made. Where the submission is one where a Member considers the delegated powers should not be exercised by the Head of Planning and Building Control, in that case, the Member shall submit a request in writing to the Chairman of the Development Management Committee setting out why delegated powers should not be exercised. The Chairman shall determine whether delegated powers should be exercised in consultation with the Chairman and local ward Members.
- 15.24 To give screening opinions and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 2017 as amended.

- 15.25 To determine fees for planning applications and planning performance agreements.
- 15.26 To determine the building regulation fees charged by the council and to take all actions as necessary acting at the council's representative on the Commissioning Panel with regard to the commissioning of the Building Control service.
- 15.27 To determine applications submitted for approval under the Building Regulations and made under the Building Act 1984 (as amended) and the Local Government (Miscellaneous Provisions) Act 1976.
- 15.28 To be the Appointing Officer for the purposes of the Party Wall Act 1996.
- 15.29 To determine any footpath and bridleways matters including their protection, creation, diversion, modification and extinguishment.

16 Head of Housing and Health

Housing and Community Safety

- 16.1 To exercise the council's functions with regard to homeless persons.
- 16.2 To procure and/or manage temporary accommodation in pursuance of the council's homelessness duties and powers.
- 16.3 To write off arrears and debts arising from the discharge of homelessness powers and duties up to a maximum sum specified by the Head of Strategic Finance and Property.
- 16.4 To determine a scheme of allocation of social and affordable housing, maintain registers and records of those in housing need requiring social or affordable housing and nominate applicants to properties owned by private Registered Providers (RPs).
- 16.5 To determine levels of housing need, stock condition and market conditions.

- 16.6 To draw up development and/or regeneration schemes with RPs and other partners and pay grants to RPs and others on approved development schemes.
- 16.7 To make arrangements for and oversee the discharge of the council's duties and powers relating to the granting of Disabled Facilities Grants and other means of supporting adaptations to the homes of disabled people.
- 16.8 To take action in consultation with the Head of Legal and Democratic Services to Prevent Nuisance and Annoyance in accordance with Part 1 of the Anti-Social Behaviour, Crime and Policing Act 2014.
- 16.9 To apply, in consultation with the Head of Legal and Democratic Services, for Closure Orders and to issue Closure Notices under Part 3 of the Anti-Social Behaviour, Crime and Policing Act 2014.
- 16.10 To serve, in consultation with the Head of Legal and Democratic Services, Community Protection Notices, and Fixed Penalty Notices in the event of a breach, under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.
- 16.11 To make public spaces protection orders, in consultation with the Head of Legal and Democratic Services, under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.
- 16.12 In all cases involving arrears of mortgage payments and in consultation with the Head of Strategic Finance and Property and Head of Legal and Democratic Services or duly authorised officers, 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.
- 16.13 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; and
 - (b) in consultation with the Executive or Executive Member, to make special arrangements in the case of hardship or, where necessary, to comply with an existing agreement.
- 16.14 To determine requirements and make arrangements for CCTV services funded by the council.
- 16.15 To approve activities under the Regulation of Investigatory Powers Act 2000.
- 16.16 To be responsible for emergency planning matters.
- 16.17 To exercise the council's community safety functions under the Crime and Disorder Act 1998, Police and Justice Act 2006 and Anti-Social Behaviour, Crime and Policing Act 2014.

Licensing and Environmental Health

- 16.18 To exercise the council's functions relating to hackney carriage/private hire licensing unless relating to a matter reserved for Licensing Committee or Licensing Sub-committee. To undertake, in consultation with the Head of Legal and Democratic Services, prosecutions of hackney carriage drivers and private hire vehicle drivers for road traffic offences and other drivers for criminal offences relating to taxi ranks.
- 16.19 To exercise all functions under the Licensing Act 2003 and Gambling Act 2005 including all administrative functions and determinations of unopposed applications for premises licences, personal licences, club premises certificates, temporary events notices, regulated entertainment and late night refreshments, permits and the setting of fees and charges where the legislation allows local determination.
- 16.20 To enforce the enactments arising from the legislation set out in Appendix A.

- 16.21 To authenticate on the council's behalf any notice, certificate or other document required to be issued in relation to the legislation in Appendix A, subject to the matter being referred to the Licensing Committee where policy or financial considerations are involved that have not previously been determined by the Committee or other appropriate body of the council.
- 16.22 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.
- 16.23 The issue of occasional permissions in respect of those licences listed in Schedule I upon appropriate conditions.
- 16.24 To authorise officers to sign licences listed in Schedules I and II.
- 16.25 The variation of licence conditions in respect of:
- (a) licences listed in Schedule I; and
 - (b) individual licences listed in Schedule II where there are no objections.

Schedule I:

- Charitable Collection Permit including Street Collections and House to House Collections
- Game Licences
- Riding Establishments Licences
- Zoo Licences
- Dangerous Wild Animals Licences
- Animal Boarding Establishments Licences
- Dog Breeding Licences
- Pet Shop Licences
- Skin Piercing Registrations
- Street Trading Consents
- Cooling Towers Registrations
- HMO Licences
- Caravan Site Licences

Schedule II:

- Licences under the Licensing Act 2003
 - Sex Shop Licences
 - Sexual Entertainment Venues
- 16.26 To discharge all functions of the council under the Scrap Metal Dealers Act 2013.
- 16.27 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 listed in Appendix A subject to consultation with, and the agreement of, the Head of Legal and Democratic Services.
- 16.28 To exercise powers and duties and enforce enactments arising from the legislation referred to in Appendix A, and authorise officers to do so, including applications for warrants to enter property, subject, where appropriate, to officers possessing such qualifications as may be required by law or in accordance with the council's policies and having the necessary competency and experience.
- 16.29 To authorise suitably qualified and experienced officers to serve and sign in their own name all improvement notices, prohibition notices, decisions, other notices with respect to food safety, health and safety, private sector housing, public health and other legislation in Appendix A.
- 16.30 To authorise suitably qualified and experienced officers to serve and sign in their own name all authorisation, variation, revocation, enforcement and prohibition notices under local authority pollution control enforcement.
- 16.31 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.
- 16.32 To appoint as inspectors such persons having suitable qualifications 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.

- 16.33 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.
- 16.34 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.
- 16.35 Pursuant to Section 19 of the Health and Safety at Work etc Act 1974, to appoint as Inspectors such persons having suitable qualifications, and arrange for other people to accompany the Inspectors, 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 in consultation with the Head of Legal and Democratic Services as appropriate.
- 16.36 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.
- 16.37 To submit 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.
- 16.38 To give directions and make applications to the Magistrates' Court in respect of unauthorised encampments in the District in consultation with the Head of Legal and Democratic Services as appropriate.

16.39 To authorise officers to discharge the functions contained in the European Communities Act 1972 (subsequent amendment implied), and in particular the following matters:

- (a) agricultural produce (quality standards and labelling);
- (b) animal health and welfare;
- (c) consumer protection;
- (d) environmental protection;
- (e) food hygiene and standards; and
- (f) public health and standards.

16.40 To authorise officers to discharge land drainage functions under the Public Health Act 1936 and the Land Drainage Act 1991.

Public Health, Wellbeing and Community Transport

16.41 To act as the council's designated Lead Officer for Safeguarding.

16.42 To devise and administer arrangements for distributing grants to improve the health and wellbeing of local people and/or provide community transport services.

16.43 To award Arts and Sports Grants in accordance with established criteria and council policy and in consultation with the Head of Operations as appropriate.

Other

16.44 To submit monitoring returns to government departments, regulatory bodies and others.

16.45 To determine road closure applications under the Town Police Clauses Act 1847.

17 Head of Operations

- 17.1 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.
- 17.2 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.
- 17.3 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.
- 17.4 Restriction of the use or closure of bowling greens during periods of drought.
- 17.5 Control of all grounds owned by the council.
- 17.6 The letting of council gardens and car parks.
- 17.7 The removal, storage and disposal of abandoned vehicles under the Refuse Disposal (Amenity) Act 1978.
- 17.8 To administer the Scheme for the collection of trade refuse.
- 17.9 Approval of types and siting of litter bins provided by parish and town councils.
- 17.10 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.
- 17.11 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.
- 17.12 To be identified as contact officer for the public under the Code of Practice of the Environmental Protection Act 1990.

- 17.13 In consultation with the Head of Legal and Democratic Services to serve Street Litter Control Notices, as appropriate in accordance with the provisions contained in Part IV of the Environmental Protection Act 1990 and serve notices under Section 215 of the Town and Country Planning Act 1990.
- 17.14 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 Head of Legal and Democratic Services being satisfied as to the sufficiency of the evidence).
- 17.15 To authorise officers to exercise powers and duties falling within the legislation referred to in Appendix B 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.
- 17.16 To serve (in consultation with the Head of Legal and Democratic Services) Community Protection Notices, and Fixed Penalty Notices in the event of a breach, under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.
- 17.17 To make a public spaces protection order, (in consultation with the Head of Legal and Democratic Services) under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.
- 17.18 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.
- 18 Head of ICT and Business Systems (or equivalent post-holder as provided by Stevenage Borough Council under the shared services arrangements)**
- 18.1 To develop the council's information systems, information technology and e-government strategies.

- 18.2 To develop the council's information and communications technology strategies including the supply, withdrawal, data protection, security and integrity of the systems to officers and Members.
- 18.3 To supply connections and services to public sector partners and other organisations as required, provided that the integrity of the council's information systems is maintained.

19 Head of Communications, Strategy and Policy

- 19.1 To lead interpretation of and promote council compliance with the Public Sector Equality Duty as part of the Equality Act 2010.
- 19.2 To ensure compliance with Section 88 of the Localism Act regarding the registering of Assets of Community Value.
- 19.3 To ensure compliance with the Government's Code of Recommended Practice on Local Authority Publicity pursuant to the Local Government Act 1986.
- 19.4 To advise on best practice in public consultation in line with the Cabinet Office's Consultation Principles 2016 and any successor guidance or requirements.

APPENDIX A

Part 1 – legislation of particular relevance to the council’s Licensing function (subsequent amendment implied)

Betting, Gaming and Lotteries Act 1963
Environmental Protection Act 1990
Gambling Act 2005
Gaming Act 1968
Hypnotism Act 1952
Licensing Act 2003
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Lotteries & Amusements Act 1976
Scrap Metal Dealers Act 2013
Theatres Act 1968

Part 2 – legislation of particular relevance to the council’s Environmental Health function (subsequent amendment implied)

Animal Welfare Act 2006
Building Act 1984
Caravan Sites Act 1968
Caravan Sites and Control of Development Act 1960
Christmas Day Trading Act 2004
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Control of Pollution Act 1974 Justice and Public Order Act 1994
Dangerous Wild Animals Act 1976
Energy Act 2013
Enterprise and Regulatory Reform Act 2013
Environment Act 1995 Protection Act 1990
European Communities Act 1972
Factories Act 1961
Food Safety Act 1990
Game Act 1831
Game Licences Act 1860
Guard Dogs Act 1975
Health Act 2006
Health & Safety at Work Etc Act 1974
Home Energy Conservation Act 1995
Housing Act 1985
Housing Act 1996
Housing Act 2004
Housing and Planning Act 2016
Housing, Grants, Construction and Regeneration Act 1996
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
Noise Act 1996
Noise & Statutory Nuisances Act 1993
Offices, Shops and Railways Premises Act 1963
Party Walls etc Act 1996
Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Protection from Eviction Act 1977
Public Health (Control of Diseases) Act 1984
Public Health Act 1936
Public Health Act 1961
Sunbeds (Regulation) Act 2010
Sunday Trading Act 1994
Tenant Fees Act 2019
Transport Act 1985
Vehicles (Crime) Act 2001
Water Industry Act 1991
Zoo Licensing Act 1981

APPENDIX B

Anti-Social Behaviour, Crime and Policing Act 2014
Clean Neighbourhoods and Environment Act 2005
Environmental Protection Act 1990
Controlled Waste Regulations (2012)
Criminal Justice and Police Act 2001
Dangerous Dogs Act 1991
Dogs (Fouling of Land) Act 1996
Guard Dogs Act 1975
Environmental Protection Act (1990)
Policing and Crime Act 2009
Prevention of Damage by Pests Act 1949
Refuse Disposal (Amenity) Act 1978
Dangerous Dogs Act 1989
Road Traffic Regulation Act 1984