

# Section 10 – Officers’ Responsibility for Functions

## 10.1 Introduction

10.1.1 The Council has adopted a Corporate Plan with four strategic priorities to be listening, open and transparent, environmentally focussed, acting with the community and fair and inclusive. 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.

### Overall Limitations

10.1.2 The exercise of Delegated Powers is subject to the following overriding limitations.

10.1.3 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.

### Sub-Delegation

10.1.4 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

- 10.1.5 It shall always be open to an officer not to exercise their Delegated Powers but to refer the matter to the Council, Executive, or relevant Committee (as appropriate) for decision.
- 10.1.6 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.
- 10.1.7 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(s) and/or Ward Member(s).

## **10.2 Member Consultation**

- 10.2.1 Officers exercising Delegated Powers in accordance with this scheme are expected in appropriate cases to:
- (a) maintain a close liaison with the appropriate Executive Member 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 Director for Finance, Risk and Performance, Shared Corporate Legal Service Manager and the Monitoring Officer 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.

### **10.3 Reservations**

10.3.1 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.

### **10.4 Restrictions**

10.4.1 Officers may only exercise Delegated Powers in accordance with:

- (a) statutory requirements, guidance and codes of practice;
- (b) the Budget and Policy Framework, including all plans, schemes and strategies approved by or on behalf of the Council or Executive;
- (c) the council's Procedure Rules including Financial Limits; and
- (d) the council's equalities and other policies, procedures, standards and the Local and National Conditions of Service.

### **10.5 Delegation in the case of absence or inability to act**

10.5.1 If the officer/s having delegated authority under the Constitution 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.

- 10.5.2 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.
- 10.5.3 The Head of Paid Service may nominate a deputy in the event of absence or illness.

## **10.6 Permissions**

### **10.6.1 Chief Executive, Deputy Chief Executive, all Directors and their duly authorised officers**

The delegations that follow apply to the Chief Executive, Deputy Chief Executive and Directors or their duly authorised Officers when acting in accordance with the Rules of Procedure as described elsewhere in this Constitution. 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:

#### **10.6.1.1 Powers in relation to staff**

Take any action in accordance with the council's agreed policies and procedures with respect to the:

- (a) recruitment, appointment, promotion, training, grading, discipline of staff;
- (b) determination of wages and salary scales, determination of allowances of staff; and
- (c) 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 Deputy Chief Executive or Senior Human Resources Officer, except as detailed in the Officer Employment Procedure Rules.

#### **10.6.1.2 Powers in relation to contracts and property**

Powers in relation to:

- (a) contracts and property agreements to negotiate;
- (b) put out to tender, bid, submit Tenders, vary, terminate, dispute, extend and renew; and
- (c) 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 Section 9 of this Constitution.

#### **10.6.1.3 Powers in relation to finance**

Powers to:

- (a) incur capital and revenue expenditure;
- (b) to seek recovery of amounts owed;
- (c) to exercise discretion in recovery;
- (d) alter or waive repayment periods or approve exemptions in relation to repayments;
- (e) agree refunds, reduce or remit payments and waive fines, as detailed in the Financial Regulations and Contract Procedure Rules in Section 9 of this Constitution.

#### **10.6.1.4 Powers in relation to legal action**

Powers to:

- (a) authorise, appoint or nominate Officers;
- (b) investigate, prosecute, enforce, lay summons, require individuals to disclose information;
- (c) serve requisitions for information, publish information, apply to a court, sign notices, issue, serve, vary, revoke and publish notices and orders, including fixed penalty notices and serve documents;
- (d) make prohibition orders, suspend or vary a prohibition order;
- (e) take emergency remedial action, carry out works in default, issue certificates, issue consents, issue licences, issue permits, refuse vary or revoke licensing applications or licences or consents;
- (f) issue temporary exemption notices, obtain, introduce, operate, amend extend, vary and revoke orders; and
- (g) 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 Shared Corporate Legal Service Manager where relevant.

## **10.7 Areas of responsibility**

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

## 10.8 Officer Specific Delegations

<p><b>Chief Executive and Deputy Chief Executive</b></p>	<p>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.</p> <p>Legal Services Democratic Services Electoral Services Information Governance and Protection</p>
<p><b>Director for Regeneration, Customer and Corporate Services</b></p>	<p>BEAM Customer Services Corporate Support Hub Communications and Digital Media Parking Services Old River Lane</p>
<p><b>Director for Finance, Risk and Performance</b></p>	<p>Financial Services Risk and Insurance Revenues and Benefits Shared Service ICT Shared Service</p>
<p><b>Director for Communities</b></p>	<p>Property Services Housing Services Licensing and Enforcement Environmental Sustainability Economic Development Community Wellbeing and Partnerships Shared Waste Services</p>
<p><b>Director for Place</b></p>	<p>Planning and Building Control (including Gilston) Leisure, Parks and Open Spaces Environmental Health Land Charges and Street Naming and Numbering Section 106</p>

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 Directors 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.

## **10.9 The Chief Executive**

10.9.1 The Chief Executive has been appointed the council's Head of Paid Service.

10.9.2 The following powers and duties are delegated to the Chief Executive. With the exception of 10.9.2(q) below, for which there are separate arrangements, if they are absent or otherwise unable to exercise the delegation, they may be exercised by the Deputy Chief Executive. In the case of 10.9.2(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 Director to act in their absence on any matter within their 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 Directors 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 Directors 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 Director and Shared Corporate Legal Service Manager;

- (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 Shared Corporate Legal Service Manager /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 Assistant Director – Democracy, Elections and Information Governance;
- (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.

#### Shared Corporate Legal Service Manager

- 10.9.3 To carry out all legal action as specified under Permissions above in consultation with the relevant Director or their appointed deputy in their absence.
- 10.9.4 To act as Chief Legal Officer to the Council and take all necessary steps in legal proceedings authorised by the council.
- 10.9.5 To authorise the institution, defence, withdrawal or settlement of any legal proceedings, civil or criminal, including Employment Tribunals (other than for Health and Safety proceedings, council tax, non-domestic rates and sundry debts) at their discretion
- 10.9.6 To negotiate and settle any claim or disputes without recourse to Court proceedings including the use of alternative dispute resolution.
- 10.9.7 To authorise Officers of the council to appear before the Magistrates' Court or County Court District Judges, including under sections 222 and 223 of the Local Government Act 1972.
- 10.9.8 To certify resolutions and documents as being correct.
- 10.9.9 To obtain Counsel's Opinion, instruct Counsel to appear on behalf of the Council and/or retain the services of other experts or external solicitors whenever they consider such action advisable.

- 10.9.10 To insert and cancel entries in the Local Land Charges Register and otherwise to take all steps in respect of searches.
- 10.9.11 In consultation with appropriate Officers, to grant wayleaves to statutory undertakers.
- 10.9.12 To undertake the role of Senior Responsible Officer under the council's Regulation of Investigatory Powers Act 2000 (RIPA) Policy.
- 10.9.13 To fix charges for legal work carried out by the council, including for external bodies.
- 10.9.14 To institute legal proceedings in respect of any contravention of any licences, permits or consents and/or any breach of any condition attached thereto.
- 10.9.15 To sign, and where appropriate, affix the Common Seal of the Council to, any deed or other document, which, in his or her professional judgment, is necessary or desirable to sign and seal.
- 10.9.16 To authorise suitably qualified and experienced Officers to exercise powers and duties afforded to District Councils in the relevant legislation

Monitoring Officer

- 10.9.17 To hold and revise the list of politically restricted posts, in consultation with the Chief Executive and advise on all applications from council employees (or prospective employees) for exemption from political restriction in respect of their posts including, where appropriate, signing the Certificate of Opinion required by the independent adjudicator under the Local Government and Housing Act 1989.
- 10.9.18 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.

- 10.9.19 To authorise changes to the Constitution to reflect resolutions of Council or of the Executive, and changes of fact and law, or if required for practical purposes, in order to ensure the proper administration of the Council, subject to regular notification to all Members of such changes.
- 10.9.20 To appoint the members of the Independent Remuneration Panel, having first consulted the Chief Finance Officer and Group Leaders as to any reason why someone may not be considered independent.

## **10.10 Deputy Chief Executive**

- 10.10.1 To carry out the role of the Chief Executive and Head of Paid Service in their absence.
- 10.10.2 To lead on cross cutting projects spanning the council.
- 10.10.3 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.
- 10.10.4 To take emergency action necessary for the safety of the public or the preservation of property of the council.

### Human Resources

- 10.10.5 Human Resource matters should be subject to the overall direction of the Head of Paid Service.
- 10.10.6 To interpret, administer and implement the council's organisational, employee development and human resources plans and policies in consultation with Leadership team.
- 10.10.7 To interpret and apply pay scales and conditions of service for all employees.
- 10.10.8 To administer the granting of awards and application of benefits in consultation with Leadership team.

- 10.10.9 To be responsible for an effective policy for the health, safety and welfare of council employees to be implemented at all levels.

### **Directors**

#### **10.11 Director for Finance, Risk and Performance**

- 10.11.1 To deliver, direct and manage the medium term financial planning of the organisation ensuring it is monitored and reported in a timely accurate fashion.
- 10.11.2 To deliver unqualified Statement of Accounts in accordance with legislative requirements.
- 10.11.3 To review listing decisions and compensation decisions for assets of community value.
- 10.11.4 To represent the council on the Management Board for the Hertfordshire Shared Audit Service (SIAS) and the Shared Anti-Fraud Service (SAFS).
- 10.11.5 Appoint Debt Recovery Agents for the whole or part of the district as the need arises.
- 10.11.6 Authorise and sign bank transfers and other payment types, including cheques and amendments to cheques.
- 10.11.7 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.
- 10.11.8 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.
- 10.11.9 To administer and manage the council's Collection Fund.

- 10.11.10 To set precept dates in agreement with precepting partners.
- 10.11.11 To administer the council's insurances fund.
- 10.11.12 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.
- 10.11.13 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.
- 10.11.14 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.
- 10.11.15 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.
- 10.11.16 In consultation with the appropriate Executive Member and Director of Legal, Policy and Governance to prosecute or authorise the prosecution of persons committing malicious damage to council property.
- 10.11.17 To convey the freehold of electricity sub-station sites and to grant the necessary easements to electricity suppliers/distributors in respect of developments.
- 10.11.18 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.

- 10.11.19 To authorise Officers to discharge land drainage functions under the Public Health Act 1936 and the Land Drainage Act 1991.
- 10.11.20 To approve and submit the annual National Non-Domestic Rates (NNDR1) return to the Government.
- 10.11.21 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.
- 10.11.22 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.
- 10.11.23 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.
- 10.11.24 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, liquidation, and any other legally irrecoverable debt) the writing-off debts (including council tax, housing benefit and national non-domestic rates) in excess of £5,000; and
  - (c) the reduction or remission of liability under section 49.
- 10.11.25 To write-off all council tax, housing benefits, and national non-domestic rates outstanding debts which are the subject of formal bankruptcy, liquidation claims, debt relief orders and any other legally irrecoverable debt at any level.
- 10.11.26 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.
- 10.11.27 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.
- 10.11.28 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.
- 10.11.29 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.
- 10.11.30 To apply powers relevant to Housing Benefit, Council Tax reduction, Council Tax and Business Rates included in the above stated regulations, and any

relevant regulations (and any amendments thereto) other than where Executive or Council approval is required.

- 10.11.31 To authorise suitably qualified and experienced Officers to exercise powers and duties afforded to District Councils in the relevant legislation.

## **10.12 Director for Place**

- 10.12.1 To carry out all the functions of the Council as local planning authority, **except where this Constitution limits those powers**, including, but not limited to, the processing of all planning applications, appeals and pre-application enquiries; and the investigation and decision to take or not take enforcement action<sup>1</sup>.

- 10.12.2 To determine all applications submitted under the Acts or secondary legislation listed in footnote 2<sup>2</sup> **except where** the application:

- (a) is an outline or full application 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;
  - (ii) where the application is a reserved matters application pursuant to a previous major application;

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<sup>1</sup> For the avoidance of doubt all of the functions of the Council as Local Planning Authority means any functions or activities that are beneficial to securing the proper planning of the authority area. This includes providing a development management service, the provision of a planning enforcement service and provision of a planning policy service to advise on the determination of planning applications, prepare policy and guidance (as set out in other sections of this Constitution) and provide specialist advice on a number of subjects including sustainability, urban design, landscaping and heritage.

<sup>2</sup> All applications submitted under relevant town planning legislation, inter alia the Town and Country Planning Act 1990 (as amended), the Planning (Listed Building and Conservation Areas) Act 1990 (as amended), the Planning (Hazardous Substances) Act 1990 (as amended), Part 8 of the Anti-social Behaviour Act 2003, the Planning Act 2008 (as amended), the Environment Act 2021 the Levelling Up and Regeneration Act 2023 and secondary legislation related to these Acts)

- (iii) where the application is a major application which the Director of Place recommends to be refused and has notified the Chair of the Development Management Committee of the intended decision.
- (b) is a non-material or minor material amendment application (variation) pursuant to a previous major application except where the Director of Place has notified the Chair of the Development Management Committee that the matter can be dealt with as a delegated decision;
- (c) is an application for planning permission or Listed Building Consent by a Member of the Council;
- (d) is an application other than an application to discharge a condition or make a non-material amendment and is by an officer of the council employed in the planning service area;
- (e) is an application for planning permission or Listed Building Consent by an officer of the council, other than one employed in the planning service area and proposes development other than householder development;
- (f) is an application other than an application to discharge a condition or make a non-material minor amendment or one for prior approval where a Member considers that Delegated Powers should not be exercised by the Director of Place and the Chair of Development Management Committee agrees that a delegated decision is not appropriate and the Member follows the procedure at a. -c. below. The procedure is:
  - a. The Member must submit a completed application referral form within 28 days of the application being notified or within 21 days of a revised notification being circulated to Ward Members or the Town and Parish Council.

- b. The application referral form must state the relevant valid planning reasons why the decision should not be delegated and whether the referral relates to a decision to approve or refuse the application.
- c. Where the Chair agrees that a delegated decision is not appropriate, the Member is expected to speak at Development Management Committee in support of their referral having followed the procedure set out in 6.5.2.
- d. Following receipt of a referral form as set out in a. and b. and prior to a recommendation being made, the Director of Place shall brief the Chair of Development Management Committee and seek their confirmation as to whether a delegated decision is appropriate.

For the avoidance of doubt, a Member may withdraw their referral at any time in advance of the application being placed on an agenda for consideration by the Development Management Committee, which shall allow the application to be determined under delegated powers (unless another section of this Constitution requires a decision by Development Management Committee).

- (g) 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.

- 10.12.3 To take all actions as necessary with regard to the receipt, validation, consultation and administration of all application types.
- 10.12.4 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, following the appeal of a planning decision.

- 10.12.5 To take all actions to negotiate, vary and finalise the detail of legal agreements under section 106 of the Town and Country Planning Act 1990 as amended, following authorisation of the heads of terms of such agreements by the Development Management Committee on applications requiring their decision, or following authorisation as a delegated decision, or following the submission of a planning appeal.
- 10.12.6 To authorise the spending of collected s106 monies following notification to the Executive Member for Planning and Growth.
- 10.12.7 To take planning enforcement action including registering, investigating and negotiating on alleged breaches of planning control and taking decisions as to whether or not it is expedient to take enforcement action where a breach of planning control has occurred and to take enforcement action both informally and formally, including the serving or withdrawal of notices.
- 10.12.8 In consultation with the Shared Corporate Legal Service Manager, to initiate prosecutions and the taking of direct action or other enforcement action where Notices have not been complied with, where considered necessary to secure the good planning of the area.
- 10.12.9 In consultation with the Shared Corporate Legal Service Manager, 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.
- 10.12.10 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 Chair of the DM Committee.

- 10.12.11 To make Directions under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), where it is considered to be an urgent matter and directions relating to unlisted buildings in conservation areas.
- 10.12.12 To make Tree Preservation Orders, and to determine applications for consent for the cutting down, topping or lopping of trees applications under the Town and Country Planning Act 1990 (as amended) and those submitted under the Hedgerow Regulations 1997 and exercise the powers and duties relating to high hedges under the Anti-Social Behaviour Act 2003.
- 10.12.13 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 Director of Place, there has been no significant change since the refusal or dismissal in the Development Plan or in any other material considerations.
- 10.12.14 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.
- 10.12.15 To exercise the council's planning powers for control of demolition.
- 10.12.16 To approve or reject plans submitted as non-material amendments to planning applications other than major planning applications.

- 10.12.17 To determine applications for certificates of appropriate alternative development.
- 10.12.18 To determine applications for certificates of lawful use and development in relation to proposed used and existing use.
- 10.12.19 To make observations and respond to consultations on development proposals and consultations on other matters by or on which comments are sought by Government Departments, the Planning Inspectorate, statutory undertakers, and Hertfordshire and Essex County Councils and any other Local Planning Authorities, which, where relevant, are substantially in accordance with the council's policies and are not likely to be controversial.
- 10.12.20 To carry out all functions relating to National Infrastructure Planning including co-ordination of the Council's response to any consultation, examination or other any other matter concerned with major infrastructure projects.
- 10.12.21 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.
- 10.12.22 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.
- 10.12.23 After consultation with the Director of Legal, Policy and Governance, to institute legal proceedings in respect of the contravention of Tree Preservation Orders and unauthorised works to trees in Conservation Area.
- 10.12.24 To enter into Planning Performance and Extension of Time Agreements.

- 10.12.25 To provide advice regarding the potential use or development of land or buildings to prospective applications through either the pre-application system, a Planning Performance Agreement or informally.
- 10.12.26 To determine the submission of nominations for the registration of Assets of Community Value.
- 10.12.27 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.
- 10.12.28 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.
- 10.12.29 To give screening opinions and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 2017 as amended.
- 10.12.30 To determine fees for planning applications and planning performance agreements.
- 10.12.31 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.
- 10.12.32 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.
- 10.12.33 To be the Appointing Officer for the purposes of the Party Wall Act 1996.

- 10.12.34 To determine any footpath and bridleways matters including their protection, creation, diversion, modification and extinguishment.
- 10.12.35 To finalise the wording and requirements of planning conditions and reasons for refusal following the approval or refusal to grant planning permission by Development Management Committee in line with the resolutions of the Committee.
- 10.12.36 To make minor amendments and/or corrections of a clerical, grammatical or editorial nature only to the wording of conditions, obligations, reasons and informatives.
- 10.12.37 To refuse an application where a planning obligation (including a deed modifying or discharging an existing obligation) acceptable to the Director of Place and meeting the requirements of a decision of Development Management Committee (where relevant) has not been entered into.
- 10.12.38 To prepare, consult on, adopt and publish a list of information requirements to be submitted with planning applications, and to use the list to assess the validity of submitted applications.
- 10.12.39 To discharge obligations under s.106 TCPA 1990 (or s.52 of the TCPA 1971) where Director of Place deems that the obligation(s) has been complied with or is no longer relevant due to subsequent planning decisions or the passage of time.
- 10.12.40 Restriction of the use or closure of bowling greens during periods of drought.
- 10.12.41 Control of all grounds owned by the council.
- 10.12.42 The removal, storage and disposal of abandoned vehicles under the Refuse Disposal (Amenity) Act 1978.

- 10.12.43 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.
- 10.12.44 To be identified as contact officer for the public under the Code of Practice of the Environmental Protection Act 1990.
- 10.12.45 To serve notices under the Environmental Protection Act 1990 and the Town and Country Planning Act 1990
- 10.12.46 Pursuant to Section 223 of the Local Government Act 1972 to authorise and institute proceeding in any Court in respect of Officers or other matters falling within relevant legislation subject to the Director of Law, Policy and Governance being satisfied as to the sufficiency of the evidence.
- 10.12.47 To authorise Officers to serve and sign in their own name all authorisation, variation, revocation and enforcement and other notices and orders as related to in the powers and duties afforded to the District Council in legislation.
- 10.12.48 To authorise suitably qualified and experienced Officers to exercise powers and duties afforded to District Councils in the relevant legislation.
- 10.12.49 To apply the powers and duties of enforcement afforded to a District Council in all legislation relating to Environmental Health matters.
- 10.12.50 To authenticate on the council's behalf any notice, certificate or other document required to apply any power or duty afforded to a District Council in legislation relating to Environmental Health unless reserved for determination by another body of the Council.
- 10.12.51 To exercise the powers of the council as registration authority including the issue, renewal, transfer or variation of all licences, consents and registrations set

out in legislation pertaining to Environmental Health matters unless in the case of contested matters reserved for determination by another body of the Council.

- 10.12.52 To authorise suitably qualified and experienced officers to act as inspectors and serve and sign in their own name all notices and enforcement instruments as related to the powers and duties afforded to District Councils in Environmental Health legislation.
- 10.12.53 To appoint and instruct veterinary surgeons to act on behalf of the council.
- 10.12.54 To nominate Officers for the council and take appropriate actions as required under the National Assistance Act 1948.
- 10.12.55 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.
- 10.12.56 To make representation on or objections to any applications for activity in the District on the grounds that permission would be prejudicial to the public interest on environmental, health, nuisance or similar grounds.
- 10.12.57 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.
- 10.12.58 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.

## **10.13 Director of Communities**

Housing

- 10.13.1 To exercise the council's functions with regard to homeless persons.
- 10.13.2 To procure and/or manage temporary accommodation in pursuance of the council's homelessness duties and powers.
- 10.13.3 To write off arrears and debts arising from the discharge of homelessness powers and duties up to a maximum sum specified by the Director for Finance, Risk and Performance.
- 10.13.4 To maintain registers and records of those in housing need requiring social or affordable housing and nominate applicants to properties owned by Registered Providers (RPs).
- 10.13.5 To determine levels of housing need, stock condition and market conditions.
- 10.13.6 To make representations on or objections to housing development applications which are not in the public interest in relation to meeting local housing need.
- 10.13.7 To draw up development and/or regeneration schemes with RPs and other partners and pay grants to RPs and others on approved development schemes.
- 10.13.8 To make arrangements for and oversee the making of grants and loans and taking of other actions to enable the improvement or return to use of residential properties, including Disabled Facilities Grants.
- 10.13.9 To take action under the Crime and Disorder Act 1998, Police and Justice Act 2006 and Anti-Social Behaviour, Crime and Policing Act 2014 or associated guidance and/or replacement legislation to tackle anti-social behaviour, acting in consultation with the Shared Corporate Legal Service Manager as appropriate.
- 10.13.10 In all cases involving arrears of mortgage payments to the council and in consultation with the Director for Finance, Risk and Performance and Shared Corporate

Legal Service Manager 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.

10.13.11 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) to make special arrangements in the case of hardship or, where necessary, to comply with an existing agreement.

#### Licensing

10.13.12 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 Shared Corporate Legal Service Manager, prosecutions of hackney carriage drivers and private hire vehicle drivers for road traffic offences and other drivers for criminal offences relating to taxi ranks.

10.13.13 To exercise functions, unless reserved for the Licensing Committee or Licensing Sub-Committee, 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.

10.13.14 To apply the powers and duties of enforcement afforded to a District Council in all legislation relating to Licensing and Environmental Health matters.

- 10.13.15 To authenticate on the council's behalf any notice, certificate or other document required to apply any power or duty afforded to a District Council in legislation relating to Licensing unless reserved for determination by another body of the Council.
- 10.13.16 To exercise the powers of the council as registration authority including the issue, renewal, transfer or variation of all licences, consents and registrations set out in legislation pertaining to Licensing matters unless in the case of contested matters reserved for determination by another body of the Council.
- 10.13.17 To authorise suitably qualified and experienced officers to act as inspectors and serve and sign in their own name all notices and enforcement instruments as related to the powers and duties afforded to District Councils in Licensing legislation.

#### Health, Wellbeing and Community Safety

- 10.13.18 To determine requirements and make any necessary arrangements for CCTV cameras in public areas funded by the council.
- 10.13.19 To determine the case for activities under the Regulation of Investigatory Powers Act 2000 or associated guidance and/or replacement legislation, including, acting in consultation with the Shared Corporate Legal Service Manager, applications to court to conduct covert surveillance.
- 10.13.20 To be responsible for emergency planning matters.
- 10.13.21 To exercise the council's functions to promote community safety and deter anti-social behavior and fly-tipping.
- 10.13.22 To act as the council's designated Lead Officer for Safeguarding, promote safeguarding and respond to safeguarding issues raised.

10.13.23 To devise and administer arrangements for distributing grants to improve the health and wellbeing of local people.

10.13.24 To make arrangements to promote environmental sustainability and reduce carbon emissions within the council and throughout the District.

Other

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

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

10.13.27 To manage the council's property portfolio.

10.13.28 Lettings of all properties including council offices; 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 or lessor, 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.

10.13.29 To administer the Scheme for the collection of trade refuse.

10.13.30 Approval of types and siting of litter bins provided by parish and town councils.

10.13.31 To take action under the Anti-Social Behaviour, Crime and Policing Act 2014 or associated guidance and/or replacement legislation acting in consultation with the Director for Law, Policy and Governance.

10.13.32 To authorise suitably qualified and experienced Officers to exercise powers and duties afforded to District Councils in the relevant legislation.

**10.14 Head of ICT Strategic Partnership Manager (or equivalent post-holder as provided by Stevenage Borough Council under the shared services arrangements)**

10.14.1 To develop the council's information systems, information technology and e-government strategies.

10.14.2 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.

10.14.3 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.

10.14.4 To advise on and provide resilient ICT hardware and software solutions to maximise the efficiency of the council's operations.

**10.15 Director for Regeneration, Customer and Commercial Services**

10.15.1 To lead interpretation of and promote council compliance with the Public Sector Equality Duty as part of the Equality Act 2010.

10.15.2 To ensure compliance with Section 88 of the Localism Act regarding the registering of Assets of Community Value.

10.15.3 To ensure compliance with the Government's Code of Recommended Practice on Local Authority Publicity pursuant to the Local Government Act 1986.

10.15.4 To advise on best practice in public consultation in line with the Cabinet Office's Consultation Principles 2016 and any successor guidance or requirements.

- 10.15.5 To administer the council's Complaints Policy and liaise with the Ombudsman when complaints have been escalated.
- 10.15.6 To take action against persistent and unreasonable complainants.
- 10.15.7 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.
- 10.15.8 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.
- 10.15.9 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.
- 10.15.10 To consider objections received in relation to proposed Traffic Regulation Orders in consultation with the Executive Member for Environmental Sustainability.
- 10.15.11 The letting of council gardens and car parks
- 10.15.12 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.
- 10.15.13 To authorise suitably qualified and experienced Officers to exercise powers and duties afforded to District Councils in the relevant legislation.