

Part 3C - Responsibility for Functions, Scheme of Delegation to Officers

Introduction

This scheme sets out those Council and Cabinet functions, powers and duties which are delegated to officers. This scheme does not include temporary delegations of less than six months duration.

1. Consultation with Members

1. Before taking any decision on behalf of the Council, officers must consider whether to involve members. If a matter is purely routine, administrative, technical or professional that is not controversial then members do not need to be involved. For the avoidance of doubt matters in relation to development control, licensing, registration, consents and other permissions will always be dealt with in accordance with the procedures which the Council has established from time to time.
2. If a matter is not purely routine, technical, administrative or professional and has only local significance and is not controversial officers should ensure that local members are kept up to date on such issues that affect their areas.
3. If a matter has general significance for the Council and/or is likely to be controversial, or politically sensitive then the officer should consult the appropriate Cabinet Member or Committee Chairman before proceeding. In some cases it will be necessary to consult with more than one Cabinet Member, and in some cases the Leader of the Council will need to be consulted. If the Cabinet Member(s) concurs with the officer then the officer may proceed.
4. A written record of consultation with members must be kept.

2. General Principles

1. This scheme operates under Section 101 of the Local Government Act 1972 (Council functions) and Section 13 Local Government Act 2000 (Cabinet functions).
2. All officers discharging these functions shall also have power to do anything which is calculated to facilitate or is conducive or incidental to the discharge of those functions.
3. All officers discharging these functions may authorise any member of their staff to act on their behalf and shall keep a written record of all sub-delegations.
4. Before taking a decision under delegated powers which may be controversial or politically sensitive the officer shall notify the relevant Cabinet Member or Committee Chairman.
5. An officer may always refer a delegated decision to the Cabinet or Council or any of their respective Committees rather than make the decision.
6. The Chief Executive may exercise any of the delegated powers in this scheme or may authorise one officer to carry out the functions of another absent officer; such authorisation to be recorded as at 1.3 above.

3. General Limitations

1. This scheme does not delegate to officers:
 - (a) any matter exclusively reserved to the Council, Cabinet or a Committee;
 - (b) any matter which by law may not be delegated to an officer.
2. All decisions made under delegated powers must have regard to the corporate priorities of the Council, financial, legal, equalities and human resource implications of the decision and a record of the consultation with finance, legal and personnel officers as appropriate must be kept.
3. Officers shall exercise delegated powers in accordance with the policies of the Council and the requirements of this Constitution and in particular Financial Regulations and Contract Standing Orders.

4. General Authorisations

Chief Officers and Heads of Service

These officers are delegated the following functions, powers and duties for their respective service areas:

1. The operational management of staff;
2. To enter into contracts to carry out works and/or for the supply of goods and services within approved budgets and subject to Financial Regulations and Contract Standing Orders;
3. To serve any requisition for information, notice or authorising any works in default and recovery of any related expenditure;
4. To recommend legal proceedings to the Head of Legal Services;
5. To submit tenders and, where successful, to enter into contracts for the supply of goods and services to other local authorities and public bodies;
6. To have responsibility for the operational management of the health and safety policy.
7. To authorise officers and to the extent authorised by law others to carry out the statutory powers and functions of the Council.

5. Scheme of Delegation to Officers

Chief Executive

(a) General

The Chief Executive shall exercise the following functions:

1. To carry out the duties of the Head of Paid Service (Section 4 of the Local Government and Housing Act 1989) which includes all necessary powers:

- (a) To co-ordinate the discharge of all functions;
- (b) To exercise overall managerial responsibility for staff;
- 2. In cases of emergency or urgency (where possible in consultation with the Leader or Deputy Leader of the Council) to carry out any Council or Cabinet function, power or duty;
- 3. To represent the authority on partnerships and external bodies as required by statute or by the Council;
- 4. To lead the Corporate Management Team;
- 5. To ensure a system for record keeping of all key decisions;
- 6. To decide, in consultation with the Monitoring Officer, upon members' access to documents;
- 7. To be responsible for performance review issues;
- 8. To carry out the duties of the Electoral Registration Officer;
- 9. To carry out the duties of the Returning Officer;
- 10. To carry out the duties of the Emergency Planning Officer with all necessary power to act and incur expenditure;
- 11. To consider and co-ordinate any investigation by the Local Government Ombudsman;
- 12. To grant approval for staff to be allowed to undertake outside work;
- 13. To authorise officers to conduct directed surveillance or the use of covert human intelligence sources and the accessing of communications data in accordance with the Regulations of Investigatory Powers Act 2000;
- 14. To authorise officers to use juveniles and vulnerable individuals as covert human intelligence sources;
- 15. To consider any report of the Local Government Ombudsman and to settle any compensation payments up to £1,000.

(b) Service Responsibilities

The Chief Executive shall

- 1. manage direct and control all resources allocated to him/her in accordance with Council policies and procedures;
- 2. be responsible for performance review issues within the area of service responsibility;
- 3. discharge all of the functions other than those reserved to the Council, Cabinet and any appointed Committee in relation to:

(a) Complaints

- (b) Service Improvement
 - (c) Policy Development
 - (d) Corporate Policy
 - (e) Economic Development
4. manage the following heads of service and other managers and take strategic responsibility for those services:

Communications Manager

Communications

Head of Legal Services

(a) General

The Head of Legal Services is authorised:

- (a) To act as the Council's principal legal adviser.
- (b) To serve on behalf of the Council statutory requisitions for information requiring persons to state their interest in premises and appropriate details of any other persons having an interest in the premises arising from the Council's statutory powers and duties.
- (c) To institute or defend legal proceedings on behalf of and in the name of the Council and represent the Council in these proceedings provided any necessary Committee/Cabinet approvals have been obtained.
- (d) To authorise the institution of legal proceedings in accordance with legislation and common law for the purpose of securing possession of land occupied by travellers.
- (e) To draft and complete in the Council's name all agreements, contracts or any other document requiring legal effect provided any necessary Committee/Cabinet approvals have been obtained.
- (f) To carry out on behalf of and in the name of the Council the acquisition and disposal of land once terms have been agreed and any necessary Committee/Cabinet approvals have been obtained.
- (g) To authorise officers to conduct directed surveillance or the use of covert human intelligence sources and the accessing of communications data in accordance with the Regulations of Investigatory Powers Act 2000.
- (h) To attest the affixing of the Council's Common Seal.

(b) Service Responsibilities

- 1. Legal Services
- 2. Scrutiny

Head of Support Services

(a) General

The Head of Support Services shall carry out the following functions:

(a) Taxi and private hire vehicle and driver licensing

- (i) To grant and renew driver, operator and vehicle licence applications in accordance with the application criteria referring all such applications not meeting the criteria or in the opinion of the officer requiring consideration by members, to the Applications Sub-Committee for determination.

(b) Liquor and entertainment licensing

- (ii) To issue new applications, variation applications and personal licences in accordance with provisions of the Licensing Act 2003.

(c) Scrap metal licensing

- (iii) To approve applications where the applicant has not been found guilty of a relevant offence or enforcement action and the applicant has not provided any other information which suggests that he/she may be unsuitable to hold a scrap metal dealer's licence.

- (iv) To refer to the Applications Sub-Committee applications where the applicant has been found guilty of a relevant offence or enforcement action or the applicant has provided other information which suggests that he/she may be unsuitable to hold a scrap metal dealer's licence.

(d) Gambling licensing

(b) Service Responsibilities

Support Services

Local Land Charges

Committee and Member Services

Electoral Services

Assistant Director of Place

1. Except where such action would not be in accord with any previous decision of the Council:-

(a) To issue permissions under the Town and Country Planning Acts in respect of:-

- (i) residential extensions to dwellings of less than two storey height, including additions within a residential curtilage, garages, vehicle crossovers associated there with and conversion of garages to living accommodation to approved standards;
- (ii) applications for the construction of vehicular accesses;

- (iii) means of enclosure of land, including the siting of boundary fences;
 - (iv) statutory undertakers' small sub-stations and apparatus;
 - (v) installation of shop fronts; and
 - (vi) advertisements other than those referred to above.
- (b) To grant or withhold permission pursuant to conditions imposed on the issue of planning permission and to determine amendments to approved planning applications.
 - (c) To respond to any notice received under Section 15, Forestry Act 1967 (Forestry Commission consultations).
 - (d) To make Directions pursuant to Article 4 of the Town and Country Planning (General Permitted Development) Order 1995
 - (e) To serve discontinuance notices pursuant to the advertisement regulations made under the Town and Country Planning Acts.
 - (f) To serve notices pursuant to the Hedgerows Regulations permitting the removal of a hedgerow.
2. To sign all documents relating to all applications determined under the Town and Country Planning Acts Building Regulations.
 3. To undertake such discretionary consultations as considered necessary including determination of the time limit on such consultations having due regard to current Government advice in respect of:-
 - (a) planning applications; and
 - (b) amendments to approved planning applications.
 4. To authorise rights of entry for appropriate personnel.
 5. To determine the views of the local planning authority in respect of consultations by neighbouring planning authorities and Hertfordshire County Council on planning applications within their area.
 6. To authorise the making of all Tree Preservation Orders.
 7. To confirm Tree Preservation Orders.
 8. To give consent under Section 211 of the Town and Country Planning Act, 1990 following notification of proposed works to trees in conservation areas.
 9. To approve or reject applications for consent under Tree Preservation Orders.
 10. To create, divert, modify, stop-up and maintain public rights of way under the Agency Agreement and to serve notices, action and prosecute under the Highways Act 1980 in respect of the removal of any obstructions to ensure rights of way remain passable.

11. To determine applications for licences under the Highways Act 1980, or subsequent legislation of like effect, for residents to plant and maintain, etc. highway land adjoining their premises.
12. To sign orders, notices, approvals, licences and registrations authorised in accordance with Council policies and standing orders.
13. The issue of remedial notices for high hedges under the Anti-Social Behaviour Act 2003.
14. Except where objections have been received and such action would not be in accordance with any previous decision of the Council:-
 - (a) To determine applications under the Town and Country Planning Acts in respect of:-
 - (i) residential extensions to dwellings of less than two storey height, including additions within a residential curtilage, garages, vehicle crossovers associated therewith and conversion of garages to living accommodation to approved standards;
 - (ii) means of enclosure of land, including the siting of boundary fences;
 - (b) To grant or withhold permission pursuant to conditions imposed on the issue of planning permission and to determine amendments to approved planning applications.
 - (c) To determine applications for minor material and non-material alterations to existing planning permissions.
 - (d) To determine applications for prior approval – demolition of building, agricultural and telecommunications developments.
 - (e) To authorise the serving of planning contravention and breach of condition notices.
 - (f) The issue of directions under Regulation 4 of the Town and Country Planning (Applications) Regulations 1988; notifications under Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.
 - (g) Determination as to whether an Environmental Impact Assessment is required (“screening opinion”); the provision of a formal opinion on the information to be supplied in an Environmental Statement (“scoping opinion”); the issue of a notification requiring further information to complete an Environmental Statement.
15. To determine applications made under Section 64 (need for planning permission); Section 191 (certificate of lawfulness of existing use or development); and Section 192 (certificate of lawfulness of proposed use or development) of the Town and Country Planning Act, 1990.
16. The approval of applications complying with the Building Regulations and the rejection of those which do not so comply.
17. To approve or reject applications for the relaxation of the Building Regulations.
18. To sign notices under the Building Act concerning contravening work, demolition and dangerous structures.

Assistant Director of Place in consultation with the Chairman of the Planning and Regulatory Committee

1. Subject to all major, contentious or marginal items being referred to the Committee for decision:-
 - (a) To authorise the issue of permissions, under the Town and Country Planning Acts, in accordance with Council policy in respect of:-
 - (i) residential extensions of two storey height or more;
 - (ii) dwellings on land zoned residential including reserved matters where outline permission has been granted;
 - (iii) small (less than 1000 square metres) extensions and alterations to non-domestic premises;
 - (iv) temporary uses or development on non-domestic sites for periods not exceeding three years, including renewals where there are no objections;
 - (v) extensions, alterations and additions to glasshouses, new glasshouses and ancillary structures on existing nursery sites;
 - (vi) illuminated advertisements and signs;
 - (vii) all hoardings and poster panels;
 - (viii) installation of fuel tanks;
 - (ix) transmission/receiving aerials;
 - (x) listed building and conservation area consent for all applications; and
 - (xi) other matters which are not in conflict with Council policies.
 - (b) To refuse, as appropriate applications within any of the foregoing categories or those below and to refuse any application for which the main ground(s) of refusal are that it is contrary to adopted/approved policy.
 - (c) To authorise the service of enforcement notices.
 - (d) In consultation with the Chief Executive to determine any planning obligation required under the Town and Country Planning Acts for any planning application determined under this Part.
1. All matters, except matters of policy in relation to any redevelopment area.
2. Any questions which may arise concerning the Council or affecting its interest in relation to agency functions under the Town and Country Planning Acts.
3. Creating, diversion and stopping up of footpaths and bridleways under the Town and Country Planning Acts.

4. To determine all requests to fell live, mature, disease free trees on land controlled by the Council.
5. To authorise the serving of Section 215 Town and Country Planning Act notices.

Head of Community, Infrastructure and Regeneration

1. The management of the Engineering services team
2. Emergency Planning
3. Highway works in the Council's powers and in accordance with the agency agreement from the Highway Authority.

Head of Asset Management and Property

1. Asset management including:
 - (a) Disposal of land and buildings, where such land has been declared surplus to requirements within budgetary allocation
 - (b) Acquisition of land within budgetary allocation
 - (c) Agreeing terms for and accepting the surrender of leases
 - (d) Negotiating, agreeing and arranging for the release or modification of restrictive covenants
 - (e) Determining applications for licences to assign and consent to sub-let, change of use, make alterations or additions to land or premises
 - (f) Forfeiting (or seeking other appropriate remedy) of leases, licences and wayleaves where covenants have been broken

Personnel and Payroll Manager

Payroll and Personnel Services

Director of Finance

(a) General

The Director of Finance shall exercise the following functions:

1. To carry out the functions of the Section 151 Officer or Chief Finance Officer as set out in Part 2, Article 12.04;
2. To manage direct and control all resources allocated to him/her in accordance with Council policies and procedures;
3. To be responsible for performance review issues within the area of service responsibility.

4. In consultation with the Cabinet Member for Finance, agreeing property transactions where there are significant financial implications (with the exception of rent free periods at the beginning of new leases).

(b) Service Responsibilities

The Director of Finance shall exercise the following functions powers and duties except those reserved to the Council, Cabinet or a Committee in relation to:

1. Insurance arrangements and risk management
2. Health and safety co-ordination
3. Management of financial resources including:
 - (a) Treasury management limits within the Council's treasury management strategy
 - (b) the Council's banking arrangements
 - (c) Financial and accounting arrangements subject to any limits set out in the Financial Regulations
4. Computer Services
5. Complaints and Car Parking
6. Asset management including:
 - (a) Disposal of land and buildings, where such land has been declared surplus to requirements within budgetary allocation
 - (b) Acquisition of land within budgetary allocation
 - (c) Agreeing terms for and accepting the surrender of leases
 - (d) Negotiating, agreeing and arranging for the release or modification of restrictive covenants
 - (e) Determining applications for licences to assign and consent to sub-let, change of use, make alterations or additions to land or premises
 - (f) Forfeiting (or seeking other appropriate remedy) of leases, licences and wayleaves where covenants have been broken
7. Corporate Procurement
8. Manage the following heads of service and other managers and take strategic responsibility for those services:

Head of Housing and Benefits

1. Strategic housing

2. Homelessness services and homelessness prevention
3. Housing allocation
4. Administration of the Housing Benefit Schemes.
5. Agreeing administrative penalties in lieu of legal proceedings

Head of Finance

Administration of Council Tax Benefit Schemes

Community Development Manager

Cultural services and museum

Theatre Manager

Spotlight management

Community halls management

Centres Manager

Leisure centre management

Business Strategy Development Manager

Golf centre management

Sales at leisure sites and swimming lessons.

Acting Head of Property Services

Acting within the principles of good estate management and the Commercial Property policy; to agree all transactions affecting the Council's commercial property portfolio including granting, negotiating and settling terms of leases, licences, easements, wayleaves, rent reviews, assignment of leases, the appointment of arbitrators/experts, consents, guarantees and all other minor land matters, where these fall within the budget framework set by the Council and do not have significant financial implications, which is required under this scheme to be authorised by the Director of Finance in consultation with the Cabinet Member for Finance & Business Services.

Director of Environmental Services

Service Responsibilities

Environmental Services including the provision and management of:

1. Waste and recycling management
2. Highways street scene

3. Open spaces
4. Parks
5. Cemeteries
6. Markets
7. Manage the following heads of service and other managers and take strategic responsibility for those services:

Environmental Health Manager

1. In pursuance of the Council's duties in respect of local licensing to:-
 - (a) issue or renew licences in respect of animal board establishments, pet shops, dog breeders and riding establishments.
 - (b) issue or renew licences in respect of dangerous or wild animals;
 - (c) register persons and premises for acupuncture, tattooing, ear piercing and electrolysis.
 - (d) issue or renew licences in respect of houses in multiple occupation;
2. In pursuance of the Planning and Regulatory Committee's duties in respect of disease control and public health to:
 - (a) issue or renew caravan site licences;
 - (b) issue licences in respect of moveable dwellings;

Community Safety Manager

Community Safety

Waste and Street Scene Manager

To issue licences authorising the placing of skips, hoardings and materials on the highway