

**PART 3:  
RESPONSIBILITY FOR FUNCTIONS**

**TERMS OF REFERENCE  
AND  
THE SCHEME OF DELEGATION**

**INTRODUCTION**

This part of the Constitution sets out which bodies and individuals are responsible for particular functions of the Authority. These fall into two categories:

Council functions; and

Executive functions

Also included in this part of the Constitution are:

Those executive and council functions delegated to Committees;

The Scheme of Delegation of executive and council functions to Officers;

The list of Proper Officer designations

**Council Functions**

These are functions that cannot be the responsibility of the Cabinet. For example, adopting the annual budget, can only be the responsibility of the full Council. In other cases, the responsibility for undertaking the function may be delegated by the Council to a committee or an officer. Where this is the case it is shown in the terms of reference (committees) or the scheme of delegation (officers).

There are also a number of functions which individual Councils can allocate to Cabinet or retain for its own determination. These are known as “local choice functions” and are listed showing which matters are retained and which are allocated to Cabinet.

**Executive Functions**

All other functions are executive functions. Decisions about these functions may be taken by the Leader, the Cabinet, individual Cabinet members, Cabinet Committees, joint arrangements with other authorities and officers.

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## COUNCIL FUNCTIONS

These are functions which cannot be the responsibility of the Executive. The table below demonstrates how the Council has chosen to reserve matters to itself for decision or delegate them to a Committee or an officer. The functions listed in the table are those referred to in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

<b>Function as set out in Regulation 2 and Schedule 1 of the Regulations</b>	<b>To whom the function is reserved or delegated</b>
All those functions for which the Council is responsible relating to <u>town and county planning and development control</u>	Planning Committee/Strategic Director of Planning Housing and Enterprise
All those functions for which the Council is responsible relating to the <u>protection and treatment of hedgerows, the preservation of trees and complaints about high hedges</u>	Planning Committee/Licensing and Appeals Committee/ Strategic Director of Planning Housing and Enterprise
All those functions for which the Council is responsible relating to <u>public rights of way</u>	Planning Committee/ Strategic Director of Planning Housing and Enterprise
All those functions for which the Council is responsible relating to <u>licensing and registration</u> and the grant of consents and refusals	Licensing Committee/ Strategic Director of Planning Housing and Enterprise
Functions relating to <u>Smoke free premises</u>	Strategic Director of Planning Housing and Enterprise
All those functions for which the Council is responsible governing <u>health and safety at work</u> (other than in the Authority's capacity as an employer)	Strategic Director of Planning Housing and Enterprise
All those functions relating to <u>elections</u>	Council/Chief Executive
Power to make orders relating to <u>alcohol restrictions</u>	Council
Functions relating to the <u>name and status of areas and individuals</u>	Council
Functions relating to <u>Community governance</u>	Council

<b>Function as set out in Regulation 2 and Schedule 1 of the Regulations</b>	<b>To whom the function is reserved or delegated</b>
Power to make, amend, revoke or re-enact <u>byelaws</u>	Council
Power to promote or oppose <u>local or personal bills</u>	Council
Power to make and amend procedure rules (Standing Orders and Financial Regulations)	Council
Power to appoint staff, and to determine the terms and conditions on which they hold office in accordance with approved Council policies (including procedures for their dismissal)	Council/Chief Executive and Directors
Duty to make arrangements for the proper administration of financial affairs	Council
Power to appoint officers for particular purposes (appointment of Proper Officers)	Council
Duty to designate an officer as the Head of the Authority's paid service	Council
Duty to designate an officer as the monitoring officer and to provide staff	Council
Duty to approve the Authority's statement of accounts, income and expenditure and balance sheet, or record of payments and power to make payments in cases of maladministration	Council/Chief Executive
Power to make a closing order on a takeaway food shop	Strategic Director of Planning Housing and Enterprise
Powers relating to overview and scrutiny committees	Council

## RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

The Council has the discretion to choose which part of the structure should be responsible for certain functions (known as “Local Choice Functions”). These are set out in Schedule 2 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (the Regulations). The Council has determined who is responsible for these functions in the table below.

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

<b>Function</b>	<b>Decision Making Body</b>	<b>Delegated to</b>
The appointment or revocation of appointment of any individual to any office/body other than the Council	Council	Chief Executive
The making of agreements with other local authorities and external agencies for the placing of staff and joint working arrangements	Council	Chief Executive

## ***COUNCIL AND COMMITTEES EXERCISING COUNCIL FUNCTIONS***

### **FULL COUNCIL**

**Membership:** All members of the Council (49)

**Quorum:** One quarter of the total number of members (13)

**Meetings:** 6 regular meetings per year

The annual meeting will be held between 12 and 25 days after ordinary elections and by no later than May in other years.

### **Functions:**

Only the full Council will exercise the following functions:

Adopting and changing the Constitution;

Approving or adopting the policy framework,

- Annual Report
- Community Safety Plan
- Development Plan documents
- Licensing Policy statement
- Sustainable Community Strategy
- Corporate Plan

3. Approving or adopting the budget;
4. Making decisions about any matter in the discharge of an executive function where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
5. Electing the Chairman and appointing a Vice-Chairman of the Council;
6. Appointing the Leader and other members of the Cabinet;
7. Agreeing and/or amending the terms of reference of any committees or other bodies appointed by the full Council deciding on their composition and making appointments to them;

8. Appointing representatives to outside bodies unless the appointment is an executive function;
9. Adopting an allowances scheme or assessing, revoking or replacing any such scheme;
10. Confirming the appointment or dismissal of the Head of Paid Service;
11. Making arrangements for the proper administration of financial affairs (section 151 Local Government Act 1972);
12. Designating an officer as the Monitoring Officer;
13. Appointing an Electoral Registration Officer;
14. Appointing a Returning or Acting Returning Officer for parliamentary, local and European elections;
15. Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills;
16. Determining senior management structures of the organisation;
17. Agreeing procedure rules, standing orders and financial regulations;
18. Agreeing proposals relating to district boundaries, electoral wards and the number of district councillors;
19. Agreeing an Annual Schedule of meetings;
20. Adopting and amending the Authority's Code of Conduct for members and other codes and protocols comprising the ethical framework;
21. Arranging for the discharge of any other functions of the Authority which are not executive functions;
22. To authorise the disposal (by sale or lease) of land or buildings where the consideration exceeds £2,500,000;
23. To authorise the acquisition of land or buildings where the capital sum or the annual rental value exceeds £1,000,000;
24. To make, amend or withdraw Compulsory purchase orders.

## **OVERVIEW AND SCRUTINY FUNCTION**

The overview and scrutiny functions (Local Government Act 2000) are discharged by the Overview and Scrutiny Committee and any sub committees it appoints. Their function is to ensure that decisions of the Council and the Cabinet can be called in for review and that service performance is monitored systematically. [The powers of the Overview and](#)



Scrutiny Committee are conferred on the Committee by the relevant provisions of the Local Government Act 2000 as amended.

**Membership:** 16 (non-executive) councillors for each committee

**Quorum:** 4

**Meetings per year:** 8 regular meetings of each committee

## **GENERAL TERMS OF REFERENCE**

Within their specific terms of reference the Committee shall be entitled to:

1. Discharge the statutory functions granted to the Committee by Section 21 of the Local Government Act 2000, as amended, plus consideration of any matter referred to it under Section 21A, plus any powers and functions conferred under Sections 21A to 21E and 22A of the Local Government Act 2000. This shall include:
  2. to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive. This includes the power for the Overview and Scrutiny Committee to recommend that the decision be reconsidered by the person who made it, or to arrange for its function under this section, so far as it relates to the decision, to be exercised by the authority.
  3. to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,
  4. to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Executive,
  5. to make reports or recommendations to the authority or the Executive with respect to the discharge of any functions which are not the responsibility of the Executive,
  6. to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area;
  7. To receive reports from the Leader at its first meeting after each Annual Council meeting on the Cabinet's priorities for the coming year and its performance in the previous year;
  8. Subject to the exemptions or limitations contained in Regulations 11,12 and 15 of the [Local Authorities \(Overview and Scrutiny Committees\) \(England\) Regulations 2009](#), the Overview and Scrutiny Committee shall have the power to:
    - a. request from a relevant partner authority such information as the committee may reasonably require in order to discharge its functions, being information which—
      - (i) has been requested in writing,

- (ii) relates to a local improvement target which—
  - (A) relates to the relevant partner authority, and
  - (B) is specified in a local area agreement of the authority by which the relevant committee is established.
- b. request from an associated authority such information as the committee may reasonably require in order to discharge its functions, being information which—
  - (i) has been requested in writing;
  - (i) is relevant to a local improvement target which—
    - (A) relates both to the associated authority and to the authority by which the relevant district council committee is established, and
    - (B) is specified in a local area agreement of the county council which is the responsible authority in relation to the district council by which the relevant district council committee is established.
- 9. Question members of the Cabinet and/or Committees and appropriate officers about service performance, whether generally or in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- 10. To consider the Forward Plan and comment as appropriate prior to any decision being made
- 11. Review or scrutinise decisions made, or other action taken, in connection with the discharge by the Council and other bodies and persons responsible for crime and disorder strategies for the area or in relation to a local crime and disorder matter
- 12. Consider reports relating to the authority's use of RIPA
- 13. Consider and analyse policy issues and objectives including performance targets and financial management
- 14. Receive a referral from any member of the Committee, or in the case of a Sub-Committee to receive a referral from any member of the Sub-Committee relevant to the functions of their respective Committee or Sub-Committee;
- 15. Receive a referral from any member of the Council of a matter which affects all or part of the electoral area for which the member is elected relevant to any of the functions of the Committee other than:
  - A local crime and disorder matter (which must be referred to the Partnerships Sub Committee)
  - A planning or licensing decision

- Any matter relating to an individual or entity where there is already a statutory right to review or appeal (but not including the right to complain to the ombudsman)
  - Any matter which is vexatious, discriminatory or unreasonable (this is the Councillor call for action)
16. To set up such task and finish groups as necessary to carry out the functions of the Committee and to set their terms of reference
17. To collaborate with other overview and scrutiny committees or bodies carrying out similar functions outside the Council.

### **FINANCE AND PERFORMANCE SCRUTINY SUB COMMITTEE**

Membership:	7
Quorum:	3
Meetings:	4 regular meetings

**General:** A Sub Committee of the Overview and Scrutiny Committee established to consider financial and performance related matters

1. Assist the Council and the Cabinet in the development of its Budget and Policy Framework by in-depth analysis of policy issues;
2. Conduct research, community and other consultation in the analysis of policy issues and possible options;
3. Consider mechanisms to encourage and enhance community participation in the development of policy options;
4. Question members of the Cabinet and/or Committees and/or officers about their views on issues and proposals affecting the area;
5. Review the performance of the Council in relation to its policy objectives, performance targets financial management and/or particular service areas;
6. To make recommendations to the Overview and Scrutiny Committee on any matter arising out of the finance and performance monitoring and scrutiny process and within the terms of reference of this Sub Committee
7. **And such other functions as may be delegated to the Finance and Performance Scrutiny Sub Committee from time to time by the Overview and Scrutiny Committee**

## **PARTNERSHIPS SCRUTINY SUB-COMMITTEE**

**Membership:** 7

**Quorum:** 3

**Meetings:** 3 regular meetings

**General:** A Sub Committee of the Overview and Scrutiny Committee established to consider matters relating to partnership working and crime and disorder

1. Review the policies, plans, expenditure and performance of public bodies which impact upon the economic, social or environmental well-being of the authority's area or any part of it, and make recommendations to such bodies and to the Council on any such policies, plans, expenditure and performance
2. Review or scrutinise decisions made, or other action taken, in connection with the discharge by the Council and other bodies and persons responsible for crime and disorder strategies for the area;
3. Make reports or recommendations to the Council for the discharge of those functions and arrange for copies of any report to be sent to those bodies and persons responsible for crime and disorder strategies for the area (and such other co-operating persons and bodies as it thinks appropriate);
4. To consider a local crime and disorder matter, (including in particular forms of crime and disorder that involve anti-social behaviour or adversely affecting the local environment, or the misuse of drugs, alcohol and other substances), referred to it by any member of the Council or by Cabinet.
5. Question members of the Cabinet and/or Committees and/or officers about their views on issues and proposals affecting the area;
6. Performance monitoring of the Local Strategic Partnership
7. Consider reports relating to the Regulation of Investigatory Powers Act (2000)
8. To make recommendations to the Overview and Scrutiny Committee on any matter within the terms of reference of this Sub Committee
9. [And such other functions as may be delegated to the Scrutiny Sub Committee from time to time by the Overview and Scrutiny Committee](#)

## **AUDIT & RISK COMMITTEE**

**Membership:** 7

**Quorum:** 3

**Meetings:** 4 regular meetings

**General:** A Committee of the Council established to consider audit and internal control

matters.

- To consider the head of internal audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the council's corporate governance arrangements.
- To consider summaries of specific internal audit reports as requested.
- To consider reports dealing with the management and performance of the providers of internal audit services.
- To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
- To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- To consider specific reports as agreed with the external auditor.
- To comment on the scope and depth of external audit work and to ensure it gives value for money.
- To liaise with the Audit Commission over the appointment of the council's external auditor
- To commission work from internal and external audit.
- To maintain an overview of the council's constitution in respect of Contract Procurement Rules, financial regulations and codes of conduct and behaviour.
- To review any issue referred to it by the chief executive or a director, or any council body.
- To monitor the effective development and operation of risk management and corporate governance in the council.
- To monitor council policies on 'Raising Concerns at Work' and the anti-fraud and anti-corruption strategy and the council's complaints process.
- To oversee the production of the authority's Annual Governance Statement and to recommend its adoption.
- To consider the council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- To consider the council's compliance with its own and other published standards and controls.
- To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
- To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
- To consider the Council's approach in relation to Treasury Management

## **COUNCIL TAX SETTING COMMITTEE**

**General:** A Committee of the Council established to set the Council Tax.

**Membership:** 5

**Quorum:** 3

**Meetings per year:** 2 ordinary meetings

## TERMS OF REFERENCE

The Committee will:-

1. Set the Council Tax Base in accordance with the Local Authority (Calculation of Council Tax Base) Regulations 1992
2. Set the Council Tax in accordance with Section 30 of the Local Government Finance Act 1992 (Aggregating Billing Authority and Preceptors Council Tax Charges) As permitted by s67(c) of the Local Government and Finance Act 1992.

### PLANNING CONTROL COMMITTEE

#### Terms of Reference

- Membership:** 15
- Quorum:** 4
- Meetings:** 12 per year

The Planning Control Committee exercises those functions of the local planning authority not delegated to the Strategic Director of Planning Housing and Enterprise. The Strategic Director of Planning, Housing and Enterprise may refer a matter to the Planning Control Committee if the application is controversial or of significant public interest or is likely to have a significant impact on the environment.

The Planning Control Committee shall determine:

1. Any residential development with a site area of 0.5 hectares or greater;
2. Any development with greater than 500sq. metres floorspace on a site of more than 1 hectare or other operational development with a site area of 1 hectare or greater;
3. Any other planning application, application for advertisement consent, listed building consent or conservation area consent where
  - (a) a statutory consultee has submitted a written opinion contrary to the recommendation of the Strategic Director of Planning, Housing and Enterprise and which is a valid material planning consideration in the opinion of the Head of Development & Building Control
  - (b) a parish or town council has submitted a written opinion contrary to the recommendation of the Strategic Director of Planning, Housing and Enterprise:

- which is a valid material planning consideration in the opinion of the Head of Development & Building Control; and
  - provided that the written opinion of the parish or town council is supported in writing by at least one Ward Member within five working days of the Ward Member being notified of the representation
- ii.) within 3 weeks of the matter appearing in the weekly lists of applications a member of the Council (without a prejudicial interest) requests in writing the matter to be determined by the Committee (a) supported by reasons based upon one or more material planning considerations, or (b) on grounds that the matter is in the wider public interest
4. Applications submitted by the Council for its own development other than those for which no objection has been received;
  5. The granting of orders to revoke or modify planning permissions where compensation may be payable;
  6. The granting of certificates of alternative development;
  7. The application is made by an elected member of the Council or an employee of the Council where applications are other than for householder development;
  8. An application for householder development is made by a member of the Planning Control Committee or an employee of the Planning and Building Control Service or Chief Officer.
  9. To consider or make tree preservation orders to which objections have been received.

## **LICENSING AND APPEALS COMMITTEE**

**Membership:** 15 Councillors

**Quorum:** 4 Councillors

**Meetings:** 1 per year

1. To consider all Licensing matters with the exception of the statements of licensing policy under the Licensing Act 2003 and the Gambling Act 2005 and those matters delegated to the Licensing Sub-Committee and the Strategic Director of Finance Policy and Governance.
2. To make recommendations to Council on the statements of licensing policy.
- 3.

To consider appeals against decisions made by the Employment Committee relating to the conduct, capability or other substantial issue concerning all chief officers where the action to be taken is short of dismissal.

### **LICENSING SUB-COMMITTEE**

**Membership:** 3 Councillors

**Quorum:** 3 Councillors

These bodies deal with licensing functions delegated from the Licensing and Appeals Committee in accordance with the Licensing Act 2003 and Gambling Act 2005.

#### **Licensing Act 2003**

1. When there is a Police objection to a temporary event to hear and determine whether or not to issue a counter notice.
2. An application for a personal licence where the applicant has unspent convictions.
3. When a relevant representation (which has not been determined as frivolous and vexatious) has been received from one or more authorised persons, interested parties or responsible authorities as defined by the Licensing Act 2003 and has not been withdrawn to hear and determine an:
  - Application for a personal licence
  - Application for a premises licence
  - Application for a club premises certificate
  - Application for provisional statement
  - Application to vary a premises licence
  - Application to vary a club premises certificate
4. When a representation has been made by the Police to hear and determine in accordance with the Licensing Act 2003:
  - Applications to vary the designated premises supervisor
  - Applications for transfer of premises licences
  - Applications for interim authorities.
5. Applications to review premises licences in accordance with the Licensing Act 2003.
6. Applications to review club premises certificates in accordance with the Licensing Act 2003.
7. Revocations of personal licences where convictions come to light after grant in accordance with the Licensing Act 2003.
8. Where a relevant representation (which has not been determined as frivolous and/or vexatious) has been received from one or more authorised persons, interested parties or responsible authorities as defined by the Gambling Act 2005 and has not been withdrawn, to hear and determine an:



- Application for a premises licence
  - Application to vary a premises licence
  - Application for a provisional statement
  - Application for Club gaming/Club machine permits
9. Where representations have been received from the Gambling Commission with regard to an application for transfer of a licence.
  10. Applications to review a premises licence in accordance with the Gambling Act 2005.
  11. The cancellation of Club gaming/Club machine permits.
  12. The cancellation of licensed premises gaming machines permits.
  13. Decisions to give counter notices to temporary use notices.
  14. Applications for new licensed premises gaming machine permits for 3 or more machines.
  15. When an objection has been received to an application for a sexual entertainment venue

## **EMPLOYMENT COMMITTEE**

- Membership:** 5 members including at least 1 member of Cabinet
- Quorum:** 3
- Meeting:** As called for by the Chair or Proper Officer

### **Terms of Reference**

1. To interview candidates for the post of Head of Paid Service (Chief Executive) and make a recommendation for appointment to Council.
2. To interview and appoint candidates for the posts of Strategic Director and statutory officer (Chief Finance Officer and Monitoring Officer) and to appoint Heads of Service.
3. To take any necessary disciplinary action against the Chief Executive, the Monitoring Officer, the Chief Finance Officer or the Strategic Directors in accordance with the Officer Employment Procedure Rules including the appointment of external investigators and the Designated Independent Person.
4. To impose a penalty or action recommended by the appointed external investigators or the Designated Independent Person.

5. Exercise the powers under the Local Government (Early Termination of Employment)(Discretionary Compensation) Regulations.
6. To determine any disciplinary matters involving Heads of Service.
7. To appoint the members of the Independent Remuneration Panel.

**By recommendation to Council:**

8. The appointment of the Independent members of the Standards Committee.
9. The dismissal of the Head of Paid Service (Chief Executive).

**JOINT STAFF CONSULTATIVE COMMITTEE (JSCC)**

**Membership:** 5 members

**Quorum:** 3 members

**Meetings:** 4 per year

**Terms of Reference**

The JSCC will have the following roles and functions:

1. Regular consultation between the Council and its employees;
2. To be the corporate interface with employees on major human resource issues;
3. To be the strategic HR Forum for NHDC Members;
4. To consider, report and make recommendations to the Strategic Director of Customer Services on terms and conditions of service and on training and development.

**STANDARDS COMMITTEE**

**Membership:** 8 Councillors

4 Independent members

4 town/parish councillors

**Quorum:** 3 Councillors and 1 independent member

1 town/parish councillor must be present if any matter relating to town/parish councils are to be discussed

**Meetings:** 3 per year

## **Terms of Reference**

The Standards Committee will have the following roles and functions:

1. Promoting and maintaining high standards of conduct by Councillors and co-opted Members;
2. Assisting Councillors and co-opted Members to observe the Members' Code of Conduct;
3. Advising the Council on the adoption or revision of the Members' Code of Conduct;
4. To monitor the operation of the Members' Code of Conduct;
5. To grant dispensations to Councillors and co-opted Members from requirements relating to interests set out in the Members' Code of Conduct;
6. To deal with any reports from a case, tribunal or interim case or report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer on behalf of the Council;
7. To provide advice and guidance to Councillors and co-opted Members and to make arrangements for training on any matter within these Terms of Reference.
8. To determine local initial assessments into allegations of misconduct by local district and parish councillors etc., by way of a system of Assessment, Review and Hearing Sub-Committees.
9. To deal with applications for exemption from political restriction or to consider whether to include a post within the list of politically restricted posts.
10. To oversee the whistleblowing policy.

## **STANDARDS SUB-COMMITTEES**

All Standards Committee members will form the membership of the following sub-committees.

Each sub-committee must be chaired by an independent member and must include at least one parish member when parish matters are being considered.

**Quorum:** 3

## **ASSESSMENT SUB-COMMITTEE**

### **Terms of Reference**

The Assessment Sub-Committee is established to receive allegations that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct.

Upon receipt of an allegation and any accompanying report by the Monitoring Officer, the Sub-Committee shall decide either:

- to refer the allegation to the Monitoring Officer, with an instruction to arrange a formal investigation of the allegation,
- or direct that the Monitoring Officer arrange training, conciliation or take other action;
- refer the allegation to the Standards Board for England;
- decide that no action should be taken;
- where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority, refer the allegation to the Monitoring Officer of that other relevant authority;

To receive a report from the Monitoring Officer following a referral for investigation that it is no longer appropriate to proceed with an investigation

Upon completion of an investigation by the Monitoring Officer, the Sub-Committee shall be responsible for determining whether:

- it accepts the Monitoring Officer's finding of no failure to observe the Code of Conduct;
- the matter should be referred for consideration at a hearing before the Hearings Sub-Committee; or
- the matter should be referred to the Adjudication Panel for determination.

## **REVIEW SUB-COMMITTEE**

### **Terms of Reference**

The Review Sub-Committee is established to review a decision of the Assessment Sub-Committee that no action be taken in respect of that allegation.

1. Upon receipt of a request for a review and any accompanying report by the Monitoring Officer, the Sub-Committee shall decide either:
  - to refer the allegation to the Monitoring Officer, with an instruction to arrange a formal investigation of the allegation, or
  - specify that the Monitoring Officer take other action;
  - refer the allegation to the Standards Board for England;
  - decide that no action should be taken; or
  - where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority, refer the allegation to the Monitoring Officer of that other relevant authority;

## **HEARINGS SUB-COMMITTEE**

The Hearings Sub-Committee shall consider an allegation that a member has breached the Code of Conduct following an investigation into the complaint.

***CABINET AND COMMITTEES AND PORTFOLIO HOLDERS EXERCISING EXECUTIVE FUNCTIONS***

**CABINET**

<b>Membership:</b>	The Leader and 7 members appointed by the Council
<b>Quorum:</b>	3 Councillors
<b>Meetings:</b>	6 ordinary meetings per year

**By resolution**

1. To prepare and agree to implement policies and strategies other than those reserved to Council.
2. To consider, at least annually, the level of reserves, provisions, and balances held by the Authority and recommend any changes to the Council.
3. To take decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and implement the budget and policies decided by the full Council.
4. To exercise the Authority's duty in Section 17 of the Crime and Disorder Act 1998 to reduce crime and disorder.
5. To deal with matters affecting the salaries and conditions of employment of Chief Officers.
6. To consider and respond to recommendations and reports from the statutory officers.
7. To monitor expenditure on the capital programme.
8. To approve those major service developments or reductions which also constitute Key Decisions.
9. To receive and consider reports from the District Auditor and agree any appropriate action.
10. To consider the reports of external review bodies on key aspects of overall service delivery.
11. To carry out the Authority's responsibilities for improving the economic, social and environmental well-being of the District and increasing the availability and equality of access to employment.

12. To oversee the provision of all the Council's services other than those functions reserved to the Council.
13. To manage and maintain the Authority's accommodation.
14. To exercise the Authority's powers for planning and responding to civil emergencies.
15. To exercise the Authority's functions as Local Planning Authority except to the extent that those functions are by law the responsibility of the Council or delegated to the Strategic Director of Planning Housing and Enterprise.
16. To oversee the Authority's overall policy on the voluntary and community sector.
17. To approve the purchase or appropriation of land and buildings where the market value of the transaction or the annual rent exceeds £250,000 and does not exceed £1,000,000.
18. To dispose of land or buildings for a consideration or annual rent which exceeds £250,000 but does not exceed £2,500,000.
19. To accept tenders which exceed budgetary provision.
20. To receive reports on contract overspends in accordance with limits set out in the Financial Procedure Rules and agree the action to be taken.
21. To promote and develop external partnerships to meet strategic objectives.
22. To exercise the powers and duties of the Authority under Section 13 and 14 of the Public Order Act 1986.
23. To confer with other local authorities, government departments, statutory bodies, voluntary bodies, the police or other external agencies in order to discharge the responsibilities vested in the Cabinet.
24. To review and monitor the Highways Partnership.
25. To deal with all local choice functions set out in the Constitution.
26. To make decisions where a policy or strategy does not exist.
27. To approve any waiver of Contract Procedure Rules.
28. To determine charges for car parking and environmental services matters
29. To make a decision or consider any matter referred to it by an Area Committee.

**By recommendation to Council**

30. To advise the Council in the formulation of those policies within the Council's terms of reference.

31. The annual budget, including the capital and revenue budgets and the level of council tax and the council tax base.
32. To make proposals for the purchase, sale or appropriation of land which exceeds Cabinet limits.
33. To advise on the senior management structure of the Council.
34. To advise on the promotion, adoption or opposition to local legislation.

**CABINET SUB-COMMITTEE (HITCHIN GYMNASIUM AND WORKMANS HALL TRUST)**

**Membership:** 3 Executive members

Portfolio Holders for:

Leisure  
Housing and Environmental Health  
Policy and Green Issues

**Quorum:** 3

**Meetings:** Adhoc

**Roles and Functions:**

1. To act on behalf of the Council as a corporate Trustee of the Hitchin Gymnasium and Workmans Hall Trust, and, in that capacity, to consider all matters in connection with the future use, operation and management of the trust property and the preservation of the objectives of the Trust so instituted.
2. To consider all proposals and representations from and on behalf of the Council or any third party, in connection with the use, operation, management and ownership of the Trust property.
3. To secure all necessary advice and assistance, including, where necessary, external advice and assistance, to ensure that the interests of the Trust are protected and preserved.
4. To receive reports on the property and financial implications of the Trust's assets and to prepare reports as required for Cabinet.

**AREA COMMITTEES**

Area Committees are given substantial powers and responsibilities. They work in close contact with the communities we serve. They have power to consider and report to



Council on any matter affecting their area. There are five Committees which are shown in the table below.

Area Committee	Membership
Baldock and District	6
Letchworth	13
Hitchin	13
Royston and District	7
Southern Rural	10

### **Membership and Quorum**

All Members of the Council will be a member of the Area Committee that includes the Ward that they were elected to represent. The quorum for meetings of Area Committees will be at least half of the Members.

In the event of a tie the Chairman will have a casting vote.

### **Meetings**

There will be 6 regular meetings of each Area Committee per year.

Additional meetings can be called by the Proper Officer at the request of the Chairman, giving due notice as required by the Access to Information Procedure Rules.

### **Terms of Reference**

#### **Policy - exercise of decisions by resolution**

1. To allocate discretionary budgets within the terms determined by the Council.
2. To allocate devolved budgets and activities within the terms determined by the Council.
3. To promote the introduction of local byelaws.
4. To provide public seats and shelters.
5. To maintain public War Memorials.
6. To control and manage the Council's open spaces and allotments.
7. To provide art in public places.
8. To designate polling places and review the boundaries of polling districts.

#### **Community - power of well-being**

1. To develop a long-term Community Strategy with the area community and promote this to Cabinet.

2. To undertake a community leadership role in bringing together different interest groups from the public, private and voluntary sectors to work in partnership to meet the Council's corporate strategic and local objectives.
3. To consider the policies and actions of the Cabinet as to their appropriateness to the needs and aspirations of local communities.
4. To receive petitions, presentations and questions from members of the public, groups and outside bodies on matters relating to their area.
5. To act as a forum for discussion on matters of local interest and in particular to elicit/hear the views of local bodies and organisations.
6. To make arrangements for the provision of information about local services and other matters to people in the area.
7. To provide local input into centrally determined specifications for all services.
8. To establish and maintain relationships with outside bodies/voluntary organisations operating specifically within the area including, where appropriate, the provision of discretionary grant aid/financial support etc. but excluding grants for district-wide activities (as determined by the Head of Policy, Partnerships & Community Development).

### **Protocols**

1. Within the above Terms of Reference, the style and tone of meeting and the way it is managed will be determined by the Chairman and Committee members.
2. There is no intention to be prescriptive about the management of meetings, but rather to let local Members run their business in ways that best reflect their local areas.
3. Notwithstanding this, the following are guidelines to assist Members in determining their approach:
  - a) Members of the public may request to speak at a meeting and must give advance notice of their intention to do so by contacting the Democratic Services Manager by noon of the day of the meeting. The option to speak will be at the discretion of the Chairman. In normal circumstances there would be a maximum time allowed of fifteen minutes. This action would fall within the agenda item of Public Participation.
  - b) County Councillors are able to attend area meetings and may speak, but not vote, subject to having notified the Chairman of their wish to do so. Such notification to be given to the Democratic Services Manager before 4pm on the day of the meeting.
  - c) Parish Councillors are able to attend area meetings, but should do so as members of the public and sit in the public gallery, unless specifically requested to participate by the Chairman. Parish Councillors do not have

a right to speak at a meeting, but may do so at the discretion of the Chairman.

- d) The Chairman may invite advisors to meetings as and when required to assist in discussion. They may speak as directed by the Chairman but not vote.
- e) At Area Committee meetings, with the exception of the Area Champions and Committee Administrators, officers should only "come to the table" to present their reports. Once they have done this they may return to the public gallery or feel free to leave the meeting.
- f) For items where the Committee resolve to exclude the public and press, officers should remain outside of the meeting room until called in to present their report, and once this has been discussed, they should leave the meeting.

## **STEVENAGE, NORTH HERTS AND EAST HERTS CCTV JOINT COMMITTEE**

### **Membership, Quorum and Meetings**

The Membership shall be comprise three Cabinet members from each of the three Authorities.

Meetings shall be held at least once per annum or when there is sufficient business.

Meetings shall be held alternately at the offices of each partner authority.

The Chairman shall be a member of the Authority hosting the meeting.

The quorum shall be three Members, with at least one from each of the partner authorities.

The meetings shall follow the normal Standing Orders of the hosting authority.

### **Terms of Reference**

1. To discuss and agree the strategic and policy issues relating to the jointly owned and operated CCTV Control and Monitoring service.
2. To deal with all matters defined under the CCTV 'Code of Practice' as the responsibility of the CCTV Executive Board.
3. To consider and approve expansion or contraction proposals for the CCTV Control Room, Network, and monitoring service.
4. To consider and agree changes to the CCTV 'Code of Practice'.
5. To ensure the Independent inspection regime is set up and maintained.

6. To receive and approve the Independent Inspectors' annual report.
7. To consider complaints regarding any breaches of the CCTV 'Code of Practice' and recommendations for preventing breaches. To recommend disciplinary action where appropriate.
8. To make recommendations on any of the above to the Officer Management Board.



## **SCHEME OF DELEGATION TO OFFICERS**

### **1. Introduction**

This scheme sets out those council and executive functions, powers and duties which are delegated to officers and allocates the Proper Officer roles.

#### **General Principles**

- 1.1 This scheme operates under Section 101 of the Local Government Act 1972 (council functions) and section 13 Local Government Act 2000 (executive functions).
- 1.2 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.
- 1.3 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 in a register held by the Chief Executive.
- 1.4 Before taking a decision under delegated powers which may be controversial or politically sensitive the officer shall notify the relevant Cabinet portfolio holder.
- 1.5 An officer may always refer a delegated decision to the Cabinet or Council or any of their respective Committees rather than make the decision.
- 1.6 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.

#### **General Limitations**

- 1.7 This scheme does not delegate to officers:
  - a) any matter exclusively reserved to Council, Cabinet or a committee;
  - b) any matter which by law may not be delegated to an officer.
- 1.8 All decisions made under delegated powers must have regard to the financial, legal and human resource implications of the decision.
- 1.9 Officers shall exercise delegated powers in accordance with the policies of the Council and the requirements of this Constitution.

### **2. General Authorisations**

#### ***Chief Executive, the Strategic Directors and Chief Officers (Heads of Service and Corporate Managers)***

Chief Officers are delegated the following functions, powers and duties for their respective service areas:

- 2.1 The operational management of staff

- 2.2 Entering into contracts to carry out works and/or for the supply of goods and services within approved budgets (subject also to approval of the Strategic Director of Customer Services for IT software or hardware contracts)
- 2.3 Serving any requisition for information, notice or authorising any works in default and recovery of any related expenditure
- 2.4 Recommending legal proceedings to the Chief Legal Officer
- 2.5 To submit tenders and, where successful, to enter into contracts for the supply of goods and services to other local authorities and public bodies
- 2.6 To have responsibility for the operational management of the health and safety policy
- 2.7 To consider and co-ordinate any investigation by the Local Government Ombudsman

### **3. Delegation of Authority**

#### ***Chief Executive***

The Chief Executive shall exercise the following functions:

- 3.1 To carry out the duties of the Head of Paid Service (section 4 of the Local Government & Housing Act 1989) which includes all necessary powers for:
  - a) Co-ordinating the discharge of all functions
  - b) Exercising overall managerial responsibility for staff
- 3.2 In cases of emergency or urgency (where possible in consultation with the Leader of the Council) to carry out any council or executive function, power or duty
- 3.3 To represent the authority on partnerships and external bodies as required by statute or by the Council
- 3.4 To lead the Corporate Management Team
- 3.5 To ensure a system for record keeping of all key decisions
- 3.6 To decide, in consultation with the Monitoring Officer, upon Members' "need to know" and provide for access to documents and to decline access where a document is subject to legal privilege.
- 3.7 To be responsible for performance review issues
- 3.8 To carry out the duties of the Electoral Registration Officer.
- 3.9 To carry out the duties of the Returning Officer.
- 3.10 To carry out the duties of the Emergency Planning Officer with all necessary power to act and incur expenditure.
- 3.11 To authorise employees of the Council to enter onto land where necessary to enable them to carry out the functions of the Council.
- 3.12 The granting of approval for staff to be allowed to undertake outside work.
- 3.13 Attestation of the Council's Common Seal.
- 3.14 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.

- 3.15 To authorise Officers to use juveniles and vulnerable individuals as covert human intelligence sources
- 3.16 To consider any report of the Local Government Ombudsman and to settle any compensation payments up to £1000

#### **Service responsibilities**

- 3.17 The Chief Executive shall discharge all of the functions other than those reserved to Council, Cabinet and Committee in relation to:
- Electoral Services
  - Committee and member services

#### **4. Delegation of Authority**

##### ***Strategic Director of Customer Services***

The Director shall exercise the following functions:

- 4.1 To manage, direct and control all resources allocated to the Directorate in accordance with the Council's policies and procedures.
- 4.2 To be responsible for performance review issues within the Directorate
- 4.3 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

#### **Service Responsibilities**

- 4.4 The Director shall exercise the following functions powers and duties except those reserved to Council, Cabinet or a Committee in relation to:
- Customer Services including:
    - The Customer service centre
    - Coordination of complaints and ombudsman queries
    - The Telecommunications service
    - Reprographics and corporate stationery
    - The Courier and member mail service
  - Strategy and Community Services including the provision and management of:
    - Careline and community alarms
    - Leisure strategy development
  - Public Relations and Consultation



- Human Resources including corporate employment policies and operational employment advice
- Information and communications technology (ICT) including approval of the acquisition of all ICT equipment and services
- Information management including
  - data protection
  - data quality
  - freedom of information
- Leisure services including:
  - Sports centres and swimming pools
  - Sports and recreation grounds
  - Markets
- Community and Cultural Services including:
  - Sports and health development
  - Child and youth development
  - Contract management of Leisure Direct
  - Exhibition galleries and art education and loan service
  - Public halls, community centres and rural community buildings
- Operational management of emergency planning (section 138 of the Local Government Act 1972) under general direction of the Emergency Planning Officer
- Enforcement of on and off street parking orders including residential parking zones
- Environmental Services including:
  - Maintenance of parks, open spaces and allotments
  - Cemeteries
  - Arboriculture
  - Public conveniences
  - Street cleansing
  - Waste collection, recycling and waste minimisation
  - Land drainage

## **5. Delegation of Authority**

### ***Strategic Director of Finance Policy and Governance***

The Director shall exercise the following functions:

- 5.1 To carry out the functions of the Section 151 officer
- 5.2 To manage direct and control all resources allocated to the Directorate in accordance with Council policies and procedures

- 5.3 Attestation of the Council's Common Seal
- 5.4 In cases of emergency or urgency to exercise any of the functions powers or duties of the Chief Executive
- 5.5 To be responsible for performance review issues within the Directorate
- 5.6 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

**Service responsibilities:**

- 5.7 The Director shall exercise the following functions powers and duties except those reserved to Council, Cabinet or a Committee in relation to:
  - Insurance arrangements and risk management
  - Management of financial resources including:
    - Treasury Management limits within the Council's budget strategy
    - the Council's banking arrangements
    - Financial and accounting arrangements subject to any limits set out in the Financial Regulations
  - Asset management including:
    - Disposal of land and buildings, where such land has been declared surplus to requirements subject to a financial limit not exceeding £250,000
    - Acquisition of land subject to a financial limit not exceeding £250,000
    - Granting, negotiating and settling terms of leases, licences, easements, wayleaves, rent reviews, assignment of leases, the appointment of arbitrators / experts, consents, guarantees and all other minor land matters where the annual rent does not exceed £5,000 or the calculation of the premium is based on an annual rent not exceeding £5000
    - Agreeing terms for and accepting the surrender of leases
    - Negotiating, agreeing and arranging for the release or modification of restrictive covenants
    - Determining applications for licences to assign and consent to sub-let, change of use, make alterations or additions to land or premises
    - Forfeiting (or seeking other appropriate remedy) of leases, licences and wayleaves where covenants have been broken
  - Collection and administration of Council Tax, National Non-Domestic Rates and sundry debts on behalf of the Council including
    - valuation

- the commencement, defence, withdrawal or settlement of legal proceedings
- writing off debt not exceeding £10,000
- Administration of the Housing and Council Tax Benefit Schemes including
  - investigation of benefit fraud
  - agreeing administrative penalties in lieu of legal proceedings
- Legal Services (with the exception of the responsibilities of the Monitoring Officer)
  - To authorise the institution, defence, withdrawal or settlement of legal proceedings for Council tax, non-domestic rates and sundry debts
  - To authorise officers of the Council to appear before the Magistrates' Court
- Management Support and central administrative services including
  - Contract hire
  - Car loan schemes
- Land Charges
- Internal audit
- Procurement
- Management of corporate policy development including
  - Development of the community strategy and corporate plan
  - Administering area governance arrangements
  - Scrutiny support
  - Operational management and support for external partnership arrangements
- Community engagement and development including
  - National Lottery and external funding applications
  - Financial assistance and grant aid to external organisations
  - Voluntary sector and community group development

## **6. Delegation of Authority**

### ***Strategic Director of Planning Housing and Enterprise***

The Director shall exercise the following functions:

- 6.1 To manage, direct and control all resources allocated to the Directorate in accordance with the Council's policies and procedures.
- 6.2 To be responsible for performance review issues within the Directorate
- 6.3 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

**Service responsibilities:**

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

- All functions of the Local Planning Authority primarily Planning Policy and Development Control other than matters reserved to the Planning Control Committee
- All activities relating to discharge of the Council's function as the Local Building Regulation Authority
- Highway matters and transportation matters including:
  - Footpaths and bridleways (protection, creation, diversion, modification and extinguishment)
  - Highways Agency matters
  - Street naming and numbering
  - Highways Partnership matters
  - Public transport issues including bus shelters and concessionary bus passes
  - Goods Vehicles Operators Licences
- Traffic management including the creation of on and off street parking orders and street closure orders
- Housing and homelessness functions
- Environmental health function including
  - sewers and drains
  - housing grants
  - caravan sites
  - housing safety and fitness of premises
  - energy conservation
  - health and safety at work
  - food safety
  - pest control
  - animal welfare
- Environmental Protection and enforcement functions including
  - contaminated land
  - air quality
  - statutory nuisances

- permitted processes
- street trading
- Sunday trading
- abandoned vehicles
- flytipping
- byelaws
- flyposting
- scrap metal
- Public health functions under the Public Health Acts and related legislation
- Licensing functions under all relevant Licensing legislation other than matters reserved to the Licensing and Appeals Committee
- Community safety
- Antisocial behaviour matters and high hedges
- Appointing Officer under the Party Wall Act 1991

## **6. Delegation of Authority Corporate Legal Manager**

- 6.1 To act as Chief Legal Officer to the Council
- 6.2 To carry out the functions of the Monitoring Officer (Section 5 of the Local Government & Housing Act 1989 and the Local Government Act 2000)
- 6.3 To authorise changes to the Constitution to reflect decisions of the Council and the Cabinet
- 6.4 To authorise consequential changes to the Constitution to reflect resolutions of Council or of the Executive, and changes of fact and law, subject to regular notification to all members of such changes.
- 6.5 To authorise the institution, defence, withdrawal or settlement of any legal proceedings, civil or criminal (other than for Council tax, non-domestic rates and sundry debts)
- 6.6 To negotiate and settle any claim or disputes without recourse to Court proceedings including the use of alternative dispute resolution
- 6.7 To authorise officers of the Council to appear before the Magistrates' Court or County Court District Judges
- 6.8 To determine and issue advice and guidelines to the Council on legal, procedural and propriety matters
- 6.9 To make all necessary arrangements in respect of byelaws and local legislation
- 6.10 To release guarantee bonds in contracts for works and the supply of goods and services (upon the certificate of the Chief Officer concerned that the contract has been completed satisfactorily and that any maintenance period has expired)
- 6.11 Attestation of the Council's Common Seal

- 6.12 To instruct Counsel and / or retain the services of other experts or external solicitors or any matter affecting the interests of the authority.

**7. Delegation of Authority**

***Democratic Services Manager***

- 7.1 To administer the scheme for Members' allowances including the approval of duties for Members' allowances
- 7.2 To make appointments to Committees, sub-Committees, panels, boards and outside bodies (in consultation with Group Leaders)
- 7.3 To make all necessary arrangements for Members and Member support and for all Council meetings
- 7.4 Attestation of the Council's Common Seal
- 7.5 To carry out the duties of the Electoral Registration Officer because of the Registration Officer's inability to act or because of a vacancy
- 7.6 To carry out the duties of the Returning Officer because of his inability to act or because of a vacancy
- 7.7 Witnessing of candidates' and agents' declarations and returns as to election expenses
- 7.8 Receipt of petitions questioning an election
- 7.9 To make decisions regarding individual submissions relating to the councillor call for action having due regard to actions already undertaken to resolve the matter in question where practicable, after consultation with the Chair of Scrutiny Committee

**8. Delegation of Authority**

***Head of Financial Services***

- 8.1 To be responsible for the Council's corporate health and safety in accordance with legislation and the Councils' adopted policy

## **PROPER OFFICERS SCHEDULE**

The Council may designate any of its officers to carry out specific statutory functions. This officer is referred to in the Statutory provisions as the "Proper Officer". This schedule confirms the officers appointed as the Proper Officer for the specific functions listed.

<b>Legislative Provision</b>	<b>Function</b>	<b>Proper Officer</b>
<b>Local Government Act 1972</b>		
S.83(1) to (4)	Witness and receipt of Declaration of Acceptance of Office	Democratic Services Manager
S.84(1)	Receipt of notice of resignation of elected members	Democratic Services Manager
S.88(2)	Convening a meeting of Council to fill a casual vacancy in the office of Chair	Democratic Services Manager
S.89(1)	Notice of casual vacancy	Democratic Services Manager
S.100 (except 100(D))	Admission of public (including press) to meetings	Democratic Services Manager
S.100(b)(2)	The officer also may exclude from agendas any information which is likely to be dealt with in the absence of press and public	Democratic Services Manager
S.100(B)(7)	The officer to supply to newspapers copies of documents supplied to councillors	Democratic Services Manager

S.100(C)(2)	The officer to prepare a written summary of the proceedings at committees and sub-committees	Democratic Services Manager
S.115(2)	Receipt of money due from officers	Strategic Director of Finance Policy and Governance
S.146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities	Strategic Director of Finance, Policy and Governance
S.151 (and S.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration of the Council's financial affairs	Strategic Director of Finance Policy and Governance
S.191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent	Strategic Director of Finance, Policy and Governance
S.225	Deposit of documents	Strategic Director of Finance, Policy and Governance
S.228(3)	Accounts for inspection by any member of the Council	Strategic Director of Finance, Policy and Governance
S.229(5)	Certificate of photographic copies of documents	Chief Executive/Monitoring Officer/Democratic Services Manager
S.236(9) and (10)	Sending of copies of byelaws to parish councils, parish meetings and County Council	Chief Executive



S.238	Certification of byelaws	Chief Executive
S.248	Officer who will keep the Roll of Freemen	Chief Executive
<b>Schedule 12</b>		
<b>Local Government Act 1972</b>		
Para 4(2)(b)	Signing of summons to Council meeting	Democratic Services Manager
Para 4(3)	Receipt of notice about address to which summons to meeting is to be sent	Democratic Services Manager
<b>Schedule 14</b>		
Para 25	Certification of resolution passed under this paragraph	Democratic Services Manager
<b>Schedule 16</b>		
Para 28	Deposits of lists of buildings of special architectural or historic interest	Strategic Director of Planning, Housing and Enterprise
<b>Local Government Act 1974</b>		
S.30(5)	To give notice that copies of an Ombudsman's report are available	Chief Executive
<b>Local Government (Miscellaneous Provisions) Act 1976</b>		
S.41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	Democratic Services Manager

<b>Local Authorities Cemeteries Order 1977</b>		
Regulation 10	To sign exclusive rights of burial	Strategic Director of Customer Services
<b>Representations of the People Act 1983</b>		
S.9	Registration Officer	Chief Executive
S.24	Returning Officer for Local Elections	Chief Executive
S.28	Acting Returning Officer for a Parliamentary Election	Chief Executive
S.82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Chief Executive
<b>Local Elections (Principal Area) Rules 1986</b>		
Rule 46	Retention and public inspection of documents after an election	Chief Executive
<b>Local Elections (Parishes and Communities) Rules 1986</b>		
Rules 46, 47 and 48	Retention and public inspection of documents after an election	Chief Executive
<b>Local Government and Housing Act 1989</b>		
S.2(4)	Recipient of the list of politically restricted posts	Democratic Services Manager

S.3	Employers certificate for exemption from politically restricted posts	Monitoring Officer
S.4	Head of the Paid Service	Chief Executive
S.5	The Monitoring Officer	Corporate Legal Manager
S.15	Officers to receive notices relating to membership of political groups	Chief Executive
<b>Local Government (Committees and Political Groups) Regulations 1990</b>		
	For the purpose of the composition of committees and nominations to political groups	Chief Executive
<b>Local Authorities (Standing Orders) (England) Regulations 2001</b>		
	Officer who will give written notice of appointment or dismissal of officers listed in Schedule 1, Part II, Paragraph 3	Chief Executive
<b>Local Government Act 2000</b>		
	All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation	Monitoring Officer
<b>The Local Authorities (Executive Arrangements) Access to Information (England) Regulations 2000</b>		
Regulation 3	Recording of executive decisions made at meetings of the Cabinet	Democratic Services Manager

Regulation 5	Inspection of documents following executive decisions	Democratic Services Manager
Regulation 6	Inspection of background papers	Democratic Services Manager
Regulation 9	Individual executive decisions	Democratic Services Manager
Regulation 11	Access to agenda and connected reports	Democratic Services Manager
Regulation 12	Publicity in connection with key decisions	Democratic Services Manager
Regulation 15	General exception relating to the Forward Plan	Democratic Services Manager
Regulation 17	Members' rights of access to documents	Chief Executive
Regulation 21	Confidential/exempt information and exclusion of public from meetings	Democratic Services Manager
<b>Housing Act 1985</b>		
S.606	Submission of reports on particular houses or areas by the Proper Officer	Strategic Director of Planning, Housing and Enterprise
<b>Public Health (Control of Disease) Act 1984</b>		
S.31	Certification by officer of need for disinfection of premises	Strategic Director of Planning, Housing and Enterprise

S.32	Certification by officer of need to remove person from infected house	Strategic Director of Planning, Housing and Enterprise
<b>Public Health Act 1936</b>		
S.85(2)	To serve notice requiring remedial action where there are verminous persons or articles	Strategic Director of Planning, Housing and Enterprise
<b>Public Health Act 1961</b>		
S.37	Control of any verminous article	Strategic Director of Planning, Housing and Enterprise

## 9. Delegation Arrangements for Cabinet Portfolios

### Delegations for inclusion in the Scheme of Delegation (Part 3 of the Constitution)

In accordance with the Cabinet Procedure Rules and Terms of Reference executive functions will be delegated to the following Cabinet Portfolios.

<b>Portfolio</b>	<b>Cabinet Member</b>	<b>Address</b>	<b>Ward</b>
Policy & Green Issues	Councillor Mrs C.P.A. Strong	Ashroy, Pirton Road, Holwell, Hertfordshire SG5 3SS	Hitchwood, Offa and Hoo
Finance	Councillor T.W. Hone	15 Fouracres, Letchworth Garden City, Hertfordshire SG6 3UF	Letchworth South West
Planning & Transport	Councillor Tom Brindley	Taveta, Cowards Lane, Codicote, Hertfordshire SG4 8UN	Codicote
Community Engagement & Rural Affairs	Councillor Mrs P. Gibbs	Old Church House, Gurneys Lane, Holwell, Hitchin, Hertfordshire SG5 3SN	Cadwell
Housing & Environmental Health	Councillor Bernard Lovewell	23 Milton View, Hitchin, Hertfordshire SG4 0QD	Hitchin Walsworth
Leisure & E-Government	Councillor I.J. Knighton	2, Cambridge House, Hitchin Street, Baldock, Hertfordshire SG7 6AE	Baldock Town
Waste Management, Recycling & Environment	Councillor Mrs L.A. Needham	68 Broadwater Avenue, Letchworth Garden City, Hertfordshire SG6 3HJ	Letchworth South West

## 9.1 Leader of the Council

The scope of the Leader's responsibilities spans all Portfolios, ensuring co-ordination and a coherent approach to the Council's decision making. The Leader can make any decision which is delegated to any Portfolio Holder. The Deputy Leader will have the powers and responsibilities of the Leader when the Leader is absent or unable to act.

In discharging this role, the Leader is specifically responsible for leadership, strategic planning and development, partnership working and decision making within the following policy and service areas:-

- (i) the development of overall strategic and financial plans for the Council and the promotion of both existing and new strategies and plans;
- (ii) overall control of the revenue and capital finances of the Council, in conjunction with the Portfolio Holder with responsibility for those matters;
- (iii) the production and publication of the Council's Forward Plan;
- (iv) the Council's contribution to the life of the District and the sub-region;
- (v) the functioning of Council's Cabinet and the executive powers it holds, including the allocation of responsibilities to the full Cabinet, individual Cabinet Portfolios and Area Committees; the appointment and dismissal of those Cabinet Portfolio Holders; and the delegation of executive authority to officers;
- (vi) partnership working across the Council's services, including liaison with other statutory agencies in and outside the District and leading on the Council's Local Strategic Partnership;
- (vii) the Council's communications strategies and activities and press and publicity activity;
- (viii) information provision and management;
- (ix) consultation with local people to help plan and improve Council services and influence the services provided by others;
- (x) community safety and work with the Crime Reduction Partnership, the police and other law enforcement agencies to reduce crime and disorder, and the fear of either;
- (xi) speaking up on matters of local concern and representing the views of the Council to Government and its agents and to others;
- (xii) appointments to outside organisations between meetings of the Council;
- (xiii) the provision of central services and the use and allocation of resources;
- (xiv) Legal and Democratic Services, including;
  - Electoral Services and electoral registration;
  - the Land Charges Service;
- (xv) the health and safety of staff;
- (xvi) Human Resources including;
  - personnel, employment and training policies and strategies;
  - the provision of core training services to the rest of the Council;
  - measures to manage productivity and reduce sickness absence;
  - matters to do with officers leaving the Council's service, in conjunction with the Portfolio Holder for Finance;
- (xvii) the implementation of public safety measures and the Council's Emergency Plan, in accordance with prevailing national guidance.

## 9.2 Policy and Green Issues

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

- (i) responsibility for strategic planning and development;
- (ii) development and implementation of the Service & Financial Planning process, in consultation with the Portfolio Holder for Finance;
- (iii) population and other census information;
- (iv) the Council's Annual Report, Service reviews, performance statistics and all aspects of the Council's efforts to secure improvements in quality in its services, cost improvements and external accreditation and recognition, including Comprehensive Area Assessment;
- (v) the Council's officer arrangements for scrutiny activity through its Overview and Scrutiny Committees; and
- (vi) the Council's complaints system and its response to investigations by the Local Government Ombudsman;
- (vii) proposals to vary the boundaries of the Borough and Electoral Divisions, Wards and Polling Districts;
- (viii) the Council's communications strategies and activities and press and publicity activity;
- (ix) the Nottingham Declaration on Climate Change and other green issues affecting the District.

## 9.3 Finance

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

- (i) Budget planning and all action necessary to maintain overall budget control within the cash limits agreed by full Council (in conjunction with the Leader of the Council);
- (ii) development and implementation of the Service & Financial Planning process, in consultation with the Policy Portfolio Holder;
- (iii) the determination of applications for national non-domestic rate discretionary relief, and remission or reduction of rate liability and other miscellaneous minor rating matters arising;
- (iv) virements between budget headings between £50,000 and £100,000, in conjunction with relevant Portfolio Holders;
- (v) use of the special reserves and reserved contingency budgets, within the total budget agreed by full Council;
- (vi) in-year changes to the Council's Capital Programme up to a limit of £100,000;
- (vii) financial planning;
- (viii) investments and treasury management;
- (ix) the collection of taxes, the determination and payment of Housing and Council Tax Benefit;
- (x) overall strategy for fees and charges;
- (xi) maximisation of the Council's commercial income;
- (xii) audit and financial probity;
- (xiii) payroll and other financial benefits for staff;
- (xiv) the Council's procurement policies and procedures;
- (xv) maintenance of the Council's buildings (other than day-to-day maintenance);
- (xvi) overall management of the Council's property assets and the disposal of the Council's property interests up to a value of £250,000;
- (xvii) provision and management of the Town Hall and other civic buildings,



- including the letting of accommodation at public buildings owned or occupied by the Council and not specifically under the control of another Cabinet Portfolio Holder;
- (xviii) writing off debts between £5,000 and £10,000 in conjunction with the relevant Cabinet Portfolio Holder.

#### **9.4 Planning and Transport**

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

- (i) Local Planning Authority and its interest in the preservation, enhancement and conservation of the environment including monitoring the Council's annual report on the Local Development Framework and making submissions on the same to regional bodies and other external agencies;
- (ii) proposals for the Council's land-using planning policies, for recommendation to full Council, and supplementary guidance;
- (iii) planning briefs for individual development sites;
- (iv) responses to planning guidance and planning policy statements from Government and regional bodies;
- (v) co-ordination of the Council's response to major developments on private land or developments affecting the streetscape, where these have not been explicitly reserved to another Cabinet Portfolio Holder;
- (vi) street lighting and furniture and the naming and numbering of streets;
- (vii) the Council's policies for enforcement of planning conditions and against improper development;
- (viii) the Council's policies for identifying, and preserving conservation areas;
- (ix) the Council's provision of arboricultural, building control and forward planning services;
- (x) land drainage;
- (xi) Tree Preservation Orders;
- (xii) grants relating to buildings of special architectural or historical interest;
- (xiii) decisions about environmental awards;
- (xiv) the Council's involvement in subsidised transport provision;
- (xv) provision and maintenance of bus shelters;
- (xvi) development and implementation of the Council's Transport Strategy and representing the Council's views on regional transport issues;
- (xvii) leading on the Council's arrangements for highways matters including partnership and agency arrangements;
- (xviii) car parks and parking operations including decriminalised parking enforcement;
- (xix) hackney carriages and private hire vehicles – setting of charges, fees, etc.

#### **9.5 Community Engagement and Rural Affairs**

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

- (i) tourism and visitor management;
- (ii) leading on the Council's responsibilities arising from law and best practice to ensure its services are responsive and relevant to a diverse population and free from improper discrimination;
- (iii) to co-ordinate and therefore try to improve the overall delivery of services provided by public bodies and voluntary organisations;
- (iv) to consult upon, and approve the Community Strategy and review it annually;
- (v) consultation with local people to help plan and improve Council services

- and influence the services provided by others;
- (vi) community relations and the promotion of social cohesion and fair opportunities together with the Council's responsibilities under race relations legislation;
- (vii) diversity and equalities matters, including approving the monitoring of the Council's Equality and Diversity Schemes;
- (viii) the Council's relationship with, and funding of, independent advice agencies, community centres, voluntary sector support agencies and other organisations not within the remit of other Cabinet Portfolio Holders;
- (ix) community safety and work with the Crime Reduction Partnership, the police and other law enforcement agencies to reduce crime and disorder, and the fear of either;
- (x) to lead on partnerships and liaison with external agencies;
- (xi) the Council's communications strategies and activities and press and publicity activity;
- (xii) responsibility for all matters in relation to the Community Legal Service;
- (xiii) corporate grants including the Parish Council Improvement Fund;
- (xiv) development and implementation of strategies and policies for the development, enhancement and sustainability of the District, in particular rural areas and communities;
- (xv) to act as the Council's spokesperson and principal point of contact on matters affecting Town and Parish Councils;
- (xvi) the provision and monitoring of the Council's CCTV arrangements;
- (xvii) regeneration, neighbourhood renewal and economic development, including bidding for, planning and expenditure of regeneration funding;
- (xviii) public halls;
- (xix) play schemes;
- (xx) the arts and cultural services, including archaeological matters, museums and galleries.

## **9.6 Housing and Environmental Health**

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

- (i) Supporting People services, community alarms, Careline and Meals on Wheels;
- (ii) Homelessness;
- (iii) Housing allocations and the Housing Register;
- (iv) Housing advice;
- (v) Housing strategy;
- (vi) Gypsies and Travellers;
- (vii) Private sewers, drainage and drains;
- (viii) Housing grants and loans;
- (ix) Caravan sites;
- (x) Housing safety and the fitness of premises;
- (xi) Housing energy conservation;
- (xii) Health and safety at work;
- (xiii) Food safety and hygiene;
- (xiv) Communicable diseases;
- (xv) Public Health Act funerals;
- (xvi) Pests;
- (xvii) Control of pollution / environmental protection (including noise);
- (xviii) Contaminated land;

- (xix) Local air quality;
- (xx) Permitting of processes;
- (xxi) Statutory nuisances;
- (xxii) Miscellaneous public health duties (such as the Health Act 2006);
- (xxiii) Miscellaneous public health functions (including the prohibition of smoking in public places);
- (xxiv) Licensing (excluding those specified in the Licensing Act 2003 and Gambling Act 2005);
- (xxv) Local licensing (including, but not limited to, hackney carriage drivers and vehicles, private hire vehicles, drivers and operators, permits for small lotteries and street collections and house to house collection licences, gambling, small lotteries, sex shops, pet shops and dangerous wild animals);
- (xxvi) Dealers of scrap metal;
- (xxvii) Street trading consents and licences;
- (xxviii) Sunday trading;
- (xxix) Animals (welfare, associated licensing and enforcement);
- (xxx) Abandoned vehicles;
- (xxxi) Fly tipping and illegal waste disposal;
- (xxxii) Enforcement of byelaws (NHDC and HCC);
- (xxxiii) Enforcement matters delegated by the Highways Partnership;
- (xxxiv) Miscellaneous street scene enforcement functions (including fly posting and litter) and fixed penalty notices;
- (xxxv) Liquor and entertainment licensing (Licensing Act 2003).

## 9.7 Leisure and E-Government

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

- (i) leisure services, including sports centres and sports development for adults;
- (ii) recreation grounds and facilities;
- (iii) markets;
- (iv) parks, open spaces (excluding public art in these places) and outdoor swimming pools;
- (v) allotments;
- (vi) development and implementation of policy and strategy for the delivery of e-Government, in particular [service@north-herts](mailto:service@north-herts);
- (vii) the development and application of policies, initiatives and services involving the use of information and communications technology to support the work of the Council and the Council's work with others.

## 9.8 Waste Management, Recycling and Environment

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

- (i) waste management and recycling;
- (ii) cleansing, public conveniences and cesspools;
- (iii) grounds maintenance, amenity areas and associated functions;
- (iv) provision and maintenance of trees;
- (v) cemeteries and burials;
- (vi) war memorials;
- (vii) footpaths and bridleways.

## 9.9 Extent of Delegated Authority

The extent of the authority delegated to these Portfolio Holders will be limited to:-

- a) Decisions which have a cost or saving less than the European Union Procurement threshold for Supplies and Services such as the limit may be from time to time
- b) Any decision which is not otherwise delegated to Committees or officers as detailed in the Scheme of Delegation.
- c) In discharging any functions that have been delegated, the Cabinet Portfolio Holder must act lawfully. This means that that the Cabinet Portfolio Holder must act within the scope of the authority that is delegated to him/her in accordance with any limits within the delegation, the Constitution, Council policies, procedure rules and the Members' Code of Conduct. Where an issue affects more than one Portfolio, the respective holders of those Portfolios shall consult with each other, officers and the Leader to agree where the decision will be taken.

#### 9.10 **Matters of General Delegation**

Each Cabinet Portfolio Holder is responsible for:-

- (i) the proper administration of the Council's services;
- (ii) ensuring adequate staffing, premises and other resources to secure agreed standards and target outcomes in the area of each Portfolio;
- (iii) the efficient use and day-to-day maintenance of Council premises;
- (iv) ensuring budget control;
- (v) approving use of specific grants and/or funding from non-governmental sources, and any annual delivery plans and agreements in relation to such funding;
- (vi) approving funding exceeding £5,000 per annum to voluntary and other organisations within their Portfolio, and approving jointly with other Cabinet Portfolio Holders where the application affects more than one Portfolio;
- (vii) the continuous improvement of the Council's services through a programme of work;
- (viii) liaising with the relevant Council Overview and Scrutiny Committees;
- (ix) decisions proposed and made;
- (x) the promotion of the Council's policies and communication with the public as appropriate through local and other media, ensuring always that publications are compliant with the Council's Communications Strategy;
- (xi) proposing and responding to Government and its agents, and to those sharing common cause and others on matters defined by their responsibilities;
- (xii) to respond directly to governmental and other consultation papers on behalf of the Council, where the view of the Council has been requested;
- (xiii) making minor amendments to adopted strategies, policies and procedures;
- (xiv) the promotion of the Council's existing policies;
- (xv) speaking up on matters of local concern and acting as the main Council spokesman on issues within their Portfolio;
- (xvi) approving proposals to vire money from one budget head to another between £100,001 and £250,000, in conjunction with the Cabinet Portfolio Holder for Finance;
- (xvii) writing off debts between £2, 500 and £5,000, in conjunction with the Cabinet Portfolio Holder for Finance;

- (xviii) the disposal of assets between £5,001 and £100,000 and between £100,001 and £250,000 in conjunction with the Cabinet Portfolio Holder for Finance;
- (xix) giving approval to proceed to advertisement or other method of securing competition authorised by Contract Standing Orders, and for inviting and accepting tenders and quotations related to matters within their Portfolio in excess of £50,000;
- (xx) opening tenders where the estimated value of the contract is £50,000 or more;
- (xxi) approving variations to contracts where the variation:
  - would extend the contract period by 50 per cent or more than three months, whichever is the greater;
  - adds more than 20 per cent to the estimated value of the contract for contracts between £60,000 and £250,000, or
  - adds more than 5 per cent to the estimated value of the contract for contracts exceeding £250,000, or
  - increases the estimated value of the contract from below £60,000 to £72,000 or more;
  - would mean that the works, services or goods to be added to or deleted from the contract are substantially different in scope, save that in a case of urgency or unforeseen circumstances any such variation can be approved by a Strategic Director, subject to him or her reporting such action to the relevant Cabinet Portfolio Holder;
- (xxii) the disposal of property valued under £250,000 in respect of the functions for which they are responsible, in conjunction with the Cabinet Portfolio Holder for Finance;
- (xxiii) applying for planning permission for the Council's own development schemes;
- (xxiv) applying for conservation area consent, listed building consent or any other permissions or consents necessary to progress the Council's own development schemes; and
- (xxv) responding to officer recommendations on setting new external charges and revising current ones.

### **9.11 Procedural Rules**

Where a Portfolio Holder is to take a decision which is outside the key decision definitions under their delegated powers, they will give at least 5 days notice of the matter to be decided, in the Members Information Service (MIS). The date and time for taking the decision will be included. Members may then request details of the decision to be made and make written representations on the matter, for consideration by the Portfolio Holder.

When making the decision the Portfolio Holder will consider a written report from officers and will make their decision in public, recording the decision(s) and reason(s) for it. Once the decision has been made, notice of the decision(s) and the reason(s) will be given in MIS.