

## **Delegations of Executive Functions for inclusion in the Scheme of Delegation**

### 14.8.1 Matters of General Delegation

Each Cabinet Executive Member is responsible for:-

- (a) the proper administration of the Council's services;
- (b) the efficient use and day-to-day maintenance of Council premises;
- (c) ensuring budget control;
- (d) approving use of specific grants and/or funding from non-governmental sources, and any annual delivery plans and agreements in relation to such funding;
- (e) approving funding exceeding £5,000 per annum to voluntary and other organisations within their Portfolio, and approving jointly with other Cabinet Executive Members where the application affects more than one Portfolio;
- (f) the continuous improvement of the Council's services through a programme of work;
- (g) liaising with the relevant Council Overview and Scrutiny Committee;
- (h) decisions proposed and made. Delegated decisions must be taken, recorded and published in accordance with the Council's Guidance<sup>1</sup> (or any policy) on the statutory requirements and procedures;
- (i) 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;
- (j) proposing and responding to Government and its agents, and to those sharing common cause and others on matters defined by their responsibilities;
- (k) responding directly to governmental and other consultation papers on behalf of the Council, where the view of the Council has been requested;
- (l) making minor amendments to adopted strategies, policies and procedures;
- (m) the promotion of the Council's existing policies;
- (n) speaking up on matters of local concern and acting as the main Council spokesman on issues within their Portfolio;

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<sup>1</sup> NHDC Guidance to Members and Officers – Taking a delegated decision 2015

- (o) the disposal of non-property assets between £5,001 and £100,000 and between £100,001 and £250,000 in conjunction with the Cabinet Executive Member for Finance;
- (p) providing input for procurement exercises within their Portfolio, in accordance with the Contract Procurement Rules;
- (q) approving variations to contracts in accordance with the Contract Procurement Rules;
- (r) approving proposals for the disposal of property valued under £250,000 in respect of the functions for which they are responsible, in conjunction with the Cabinet Executive Member for Finance;
- (s) applying for planning permission for the Council's own development schemes;
- (t) applying for conservation area consent, listed building consent or any other permissions or consents necessary to progress the Council's own development schemes; and
- (u) responding to consultation with officers on setting new external fees and charges and revising current ones.

#### 14.8.2 Leader of the Council

- 14.8.2.1 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 Executive Member.
- 14.8.2.2 The Leader will appoint the Deputy Leader and members of Cabinet and allocate responsibility for the discharge of executive functions.
- 14.8.2.3 The Leader is appointed for a four year term.
- 14.8.2.4 The Deputy Leader will have the powers and responsibilities of the Leader when the Leader is absent or unable to act (including portfolio and statutory responsibilities).
- 14.8.2.5 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:-
  - (a) the development of overall strategic and financial plans for the Council and the promotion of both existing and new strategies and plans;
  - (b) overall control of the revenue and capital finances of the Council, in conjunction with the Executive Member with responsibility for those matters;
  - (c) the production and publication of the Council's Forward Plan;

- (d) the Council's contribution to the life of the District and the sub-region;
- (e) the Council's overall contribution to the health and wellbeing of the district in conjunction with other Executive Members with responsibility for services contributing to "public health";
- (f) 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 Executive Members; the appointment of Cabinet committees and sub-committees and the delegation of executive authority to officers;
- (g) partnership working across the Council's services, including sharing arrangements with other Councils;
- (h) Liaison with other statutory agencies in and outside the District and leading on the Council's Local Strategic Partnership;
- (i) the Council's communications strategies and activities and press and publicity activity;
- (j) information provision and management;
- (k) consultation with local people to help plan and improve Council services and influence the services provided by others;
- (l) community safety and work with the Community Safety Partnership, the police and other law enforcement agencies to reduce crime and disorder, anti-social and nuisance behaviour, and the fear of either;
- (m) speaking up on matters of local concern and representing the views of the Council to Government and its agents and to others;
- (n) appointments to outside organisations between meetings of the Council;
- (o) Legal Services;
- (p) Democratic Services, excluding Electoral Services and Electoral Registration;
- (q) the Land Charges Service;
- (r) Customer Services;
- (s) the health and safety of staff;

- (t) the implementation of public safety measures and the Council's Emergency Plan, in accordance with prevailing national guidance;
- (u) Human Resources including:
  - (i) personnel, employment and training policies and strategies;
  - (ii) the provision of core training services to the rest of the Council;
  - (iii) measures to manage productivity and reduce sickness absence;
  - (iv) matters to do with officers leaving the Council's service, in conjunction with the Executive Member for Finance;
  - (v) payroll and other financial benefits for staff in conjunction with the Executive Member for Finance;
  - (vi) Organisational Development.

#### 14.8.3 Finance and I.T

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

- (a) 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);
- (b) development and implementation of the Corporate Business Planning process, in consultation with the Policy Executive Member;
- (c) 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;
- (d) use of the special reserves and reserved contingency budgets, within the total budget agreed by full Council;
- (e) in-year changes to the Council's Capital Programme up to a limit of £100,000 per project;
- (f) financial planning;
- (g) investments and treasury management;
- (h) the collection of taxes, the determination and payment of Housing and Council Tax Benefit;
- (i) overall strategy for fees and charges;
- (j) maximisation of the Council's commercial income;
- (k) audit, fraud, financial probity, insurance and risk management;

- (l) payroll and other financial benefits for staff in consultation with the Leader;
- (m) the Council's procurement policies and procedures;
- (n) maintenance of the Council's buildings (other than day-to-day maintenance);
- (o) overall management of the Council's property assets and the disposal of the Council's property interests (by sale or lease in accordance with the Council's agreed Assets Disposal Strategy) where the sale price, premium or initial annual rent (after the expiry of any rent free period) does not exceed £250,000;
- (p) provision and management of the 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 Executive Member;
- (q) writing off debts between £5,001 and £10,000 in conjunction with the relevant Cabinet Executive Member and Strategic Director of Finance, Policy & Governance;
- (r) development and implementation of policy and strategy for the delivery of e-Government;
- (s) 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;
- (t) Press and publicity activity so far as it relates to the scope of this Portfolio.

#### 14.8.4 Community Engagement and Rural Affairs

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

- (a) tourism and visitor management;
- (b) leading on the Council's responsibilities arising from equalities and diversity law and best practice to ensure its services are responsive and relevant to a diverse population and free from improper discrimination;
- (c) to co-ordinate and therefore try to improve the overall delivery of services provided by public bodies and voluntary organisations;
- (d) consultation with local people to help plan and improve Council services and influence the services provided by others;
- (e) community relations and the promotion of social cohesion and fair opportunities;
- (f) diversity and equalities matters, including approving the monitoring of the Council's Equality and Diversity Schemes;

- (g) 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 Executive Members;
- (h) community safety and work with the Community Safety Partnership, the police and other law enforcement agencies to reduce crime and disorder, and the fear of either; including as the Council's representative on the Police and Crime Panel;
- (i) to lead on partnerships and liaison with external agencies, including in relation to the promotion of health and wellbeing;
- (j) Press and publicity activity so far as it relates to the scope of this Portfolio;
- (k) corporate grants including the rural funding scheme and grants made under Memoranda of Understanding or similar agreements;
- (l) development and implementation of strategies and policies for the enhancement and sustainability of the District, in particular rural areas and communities;
- (m) to act as the Council's spokesperson and principal point of contact on matters affecting Town, Parish and Community Councils;
- (n) the provision and monitoring of the Council's CCTV arrangements;
- (o) the operation and services offered by the Council's public halls;
- (p) play and play ranger schemes;
- (q) the arts and cultural services, including archaeological matters, museums, galleries;
- (r) promoting the Council's position in regard to children's services across the district and in particular the protection of children and young people undertaken within its safe-guarding responsibilities;
- (s) responsibilities in respect of Counter Terrorism and Security.

#### 14.8.5 Housing and Environmental Health

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

- (a) Community alarms and Careline;
- (b) Homelessness and its prevention;
- (c) Housing allocations and the Common Housing Register;
- (d) Housing advice;
- (e) Housing strategy;

- (f) Gypsies and Travellers;
- (g) Private sewers, drainage and drains;
- (h) Housing grants and loans;
- (i) Caravan sites;
- (j) Housing safety and the fitness of premises;
- (k) Housing energy conservation;
- (l) Health and safety at work;
- (m) Food safety and hygiene;
- (n) Communicable diseases;
- (o) Public Health Act funerals;
- (p) Enforcement relating to Pests;
- (q) Control of pollution / environmental protection (including noise);
- (r) Contaminated land;
- (s) Local air quality;
- (t) Permitting of controlled processes;
- (u) Statutory nuisances;
- (v) Miscellaneous public health duties (such as the Health Acts);
- (w) Miscellaneous public health functions (including the prohibition of smoking in public places);
- (x) wider public health initiatives arising from the Health and Social Care Act 2012 which relate to functions within the Housing and Environmental Health portfolio;
- (y) Licensing;
- (z) 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);
- (aa) hackney carriages and private hire vehicles – to be consulted on setting of charges, fees, etc.
- (bb) Dealers of scrap metal;

- (cc) Street trading consents and licences;
- (dd) Sunday trading;
- (ee) Animals (welfare, associated licensing and enforcement);
- (ff) Abandoned vehicles;
- (gg) Fly tipping and illegal waste disposal;
- (hh) Enforcement of byelaws (NHDC and HCC where delegation exists);
- (ii) Highways enforcement matters delegated by Hertfordshire County Council;
- (jj) Miscellaneous street scene enforcement functions (including fly posting and litter) and fixed penalty notices;
- (kk) Share interest in North Hertfordshire Homes Limited unless the decision relates to significant matters that might have a long term implication for the Council, in which case such matters must be referred to the Council;
- (ll) Safeguarding of vulnerable adults;
- (mm) Press and publicity activity so far as it relates to the scope of this Portfolio.

#### 14.8.6 Leisure

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

- (a) leisure services, including sports centres and sports development for adults;
- (b) recreation grounds and facilities;
- (c) markets;
- (d) parks, open spaces (including public art in these places) and outdoor swimming pools;
- (e) health and wellbeing promotion and activity through leisure and use of open spaces, so far as it relates to the scope of this portfolio;
- (f) allotments;
- (g) Press and publicity activity so far as it relates to the scope of this Portfolio.

#### 14.8.7 Planning, and Enterprise

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

- (a) 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 Plan and making submissions on the same to regional bodies and other external agencies;

- (b) proposals for the Council's planning policies relating to land use (including the Local Plan), for recommendation to full Council, and supplementary guidance;
- (c) planning briefs for individual development sites;
- (d) responses to planning guidance and planning policy statements from Government and other local agencies and authorities impacting on the District;
- (e) 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 Executive Member;
- (f) street lighting and furniture and the naming and numbering of streets;
- (g) the Council's policies for enforcement of planning conditions and against improper development;
- (h) the Council's policies for identifying, and preserving conservation areas;
- (i) the Council's provision of development and building control and strategic planning and enterprise services;
- (j) land drainage;
- (k) Tree Preservation Orders and High Hedges Regulations;
- (l) development and implementation of the Council's Transport Strategy and Initiatives and representing the Council's views on regional transport issues;
- (m) leading on the Council's arrangements for highways matters including partnership and agency arrangements;
- (n) Regeneration, neighbourhood renewal and economic development, including bidding for, planning and expenditure of regeneration funding;
- (o) NHDC Localism Champion;
- (p) Press and publicity activity so far as it relates to the scope of this Portfolio.

#### 14.8.8 Policy Transport and Green Issues

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

- (a) responsibility for strategic planning and organisational development;

- (b) development and implementation of the Council's Corporate Business Planning process, in consultation with the Executive Member for Finance and the Leader;
- (c) population and other census information;
- (d) 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,
- (e) the Council's complaints system and its response to investigations by the Local Government Ombudsman;
- (f) proposals to vary the boundaries of the Borough and Electoral Wards and Polling Districts;
- (g) the Nottingham Declaration on Climate Change and other green issues affecting the District;
- (h) NHDC Children and Young People's Champion;
- (i) Press and publicity activity so far as it relates to the scope of this Portfolio;
- (j) car parks and parking operations including decriminalised parking enforcement;
- (k) the Council's communications strategies and activities and press and publicity activity in consultation with the Leader.

#### 14.8.9 Waste Management, Recycling and Environment

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

- (a) waste management (including waste-related enforcement: littering, graffiti, fly-posting, unauthorised distribution of free literature on designated land, waste receptacle offences under any enabling legislation), waste minimisation and recycling;
- (b) cleansing, public conveniences and cesspools;
- (c) grounds maintenance, amenity areas and associated functions;
- (d) provision and maintenance of trees;
- (e) cemeteries, crematoria burials and related services;
- (f) war memorials;
- (g) the management and maintenance of footpaths and bridleways;
- (h) the Council's provision of arboricultural services;
- (i) Public health activities and contribution to wellbeing of the local population so far as it relates to the functions of this portfolio;

- (j) NHDC Heritage Champion;
- (k) Press and publicity activity so far as it relates to the scope of this Portfolio.

#### 14.8.10 Extent of Delegated Authority

The extent of the authority delegated to these Executive Members 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 Executive Member must act lawfully. This means that that the Cabinet Executive Member 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.

#### 14.8.11 Procedural Rules

Where an Executive Member 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 Executive Member.

**WHEN MAKING THE DECISION THE EXECUTIVE MEMBER 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.**

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