

**Scheme  
of  
Delegation**

## **SCHEME OF DELEGATION**

### **1. INTRODUCTION**

- (a) The power to act within this Scheme of Delegation is subject to the proposed action being
  - (i) within the statutory duties or powers of the Council
  - (ii) in compliance with the Council's Financial Regulations and other Standing Orders
  - (iii) within the Council's established policy and budget framework
  - (iv) within the overall budgetary provision of the Service.

(b) Referrals by Cabinet to Council – vote required. If the proposal being considered is defeated, there is then no matter which can be referred to the higher body.

(c) Urgency

The Chief Executive in consultation with the relevant Portfolio holder or in his/her absence the Leader, in consultation with Cabinet group spokespersons, has full authority to deal with urgent business between meetings, with the provision that a special meeting may be called if it is considered necessary. Decisions taken under the urgency procedure shall be reported to the next relevant committee/sub-committee (Cabinet) for information and record.

(a) A detailed list of specific delegations to Officers/Portfolio holders is maintained.

(b) In this document masculine includes feminine.

(c) Within the Scheme of Delegation to Officers/Portfolio holders, where specific Acts or Regulations are referred to, and these Acts or Regulations have been superseded by more recent Acts or Regulations containing like provisions, the Scheme of Delegation shall have effect as if it referred to those more recent Acts or Regulations.

(g) In relation to the day to day conduct of decision making by the Council, the Head of Legal, Democratic and Regulatory Services' ruling on questions relating to the interpretation of the Scheme of Delegation shall be final.

**2. CABINET**

- (a) Recommendations to Council on overall objectives, policy, priorities and budget (revenue and capital).
- (b) Monitoring of the overall budget, including consideration of supplementary estimates within set financial limits.
- (c) Advice to Portfolio holders and officers on budget preparation.
- (d) Recommendations to Council on the level of Council Tax, Council Tax discount, housing rent levels, borrowing limits and treasury management policy and policy on discretionary rate relief.
- (e) Setting policy and strategy on information systems/technology.
- (f) Setting policies on quality and customer care.
- (g) Reviewing the Council's Standing Orders and Financial Regulations and making recommendations to Council.
- (h) Reviewing the Council's Constitution and Scheme of Delegation and making recommendations to Council.
- (i) Appointments to and liaison with outside bodies not within the province of other committees.
- (j) Receiving reports from the annual/bi-annual conference between the District, Town and Parish Councils.
- (k) In consultation with Development Control Committees and the Planning Policy Advisory Panel to prepare the Development Plan, to approve the draft plan for the purpose of public and other consultation and to make recommendations to Council on the adoption of the Development Plan.
- (l) To determine through appropriate consultative procedures health and safety policies for the Council.
- (m) To provide guidance to the Council in the promotion of its vision for the social, economic and environmental well-being of the City and District.
- (n) To develop partnerships with business, voluntary, public and other appropriate bodies in the furtherance of the Council's objectives.

### **3. SCHEME OF DELEGATION**

Delegation means that certain responsibilities of the Council have been entrusted to individuals or other bodies to carry out on behalf of the Council. Those with delegated responsibility will be fully accountable to the Council for their actions/non-actions.

#### **Delegation to Officers**

Heads of Service have general delegated responsibility for all operational matters (except where there are specific exceptions, budget limits) needing action to ensure the smooth day to day running of the Council and effective customer service.

#### **Significant decisions**

There will however be some operational matters/decisions where the officers are aware that there is a high public profile or significant political dimension. These would include previous representations by one or more Ward members, residents' organisations or amenity organisations or evidence of strongly-diverging points of view on previous occasions or in relation to previous proposals. In these cases, the Head of Service must consult the relevant Portfolio Holder(s) and Ward Members (where area specific). Following consultation the relevant officer may decide to action under delegated authority, formally recording his decision as significant, the reasons for the decision and the relevant consultations or he may decline delegation and refer the decision to a higher decision making body ie Portfolio holder or Cabinet.

Where a decision is the operational responsibility of a Head of Service, the Head of Service should consult with the Monitoring Officer where it is unclear whether the decision is significant or not.

The Government defined certain decisions as 'key decisions' (see Article 13 of the Constitution). All 'key' decisions will be 'significant'. However due to local circumstances decisions may be 'significant', but not 'key'. This will be a matter for officer judgement.

#### **Ward Members**

Under the Scheme of Delegation officers have a duty to keep ward Members informed of matters relating to their area. If a matter has local significance, but no general significance for the Council, the officer shall inform or consult, as appropriate, the local Members and proceed.

#### **Consultation**

Consultation with Members, will ideally be in writing (e-mail or fax) and must allow sufficient time for Members to reply. The time for consultation will normally be at least two clear days. This may vary depending on the urgency of decision to be taken. The named officer to whom powers are delegated has a personal responsibility to ensure that he consults as appropriate with Members, and to consider the corporate implication of any action, before taking action under these delegated powers.

Declining delegation of operational decisions

An officer may decline to exercise delegated powers and instead refer a decision to the appropriate Portfolio holder/Cabinet. Senior Officers of the Council however are generally expected to take decisions which are commensurate with their level of responsibility within the organisation and therefore the number of times delegation is declined is expected to be low.

Extent of delegated powers to officers

Where an officer is referred to within this Scheme he may at his own discretion authorise another named officer to act on his behalf. Any authorisation to another named officer will be formally recorded in a Departmental Register of Delegated Powers and that named officer shall have the power to act for the purposes of these delegated matters as if he were the officer to whom the delegation was made within this Scheme.

**Delegation to Portfolio Holders**

Portfolio holders will have general delegated responsibility for all matters within their Portfolio subject to the Council's overall policy framework (except where specific exceptions or budget limits) and where specific responsibility has been delegated to officers. Portfolio holders are generally not expected to be involved in the day to day operational issues in running of the Council services and providing effective customer service, except where this is necessary due to the financial magnitude of the decision to be made (ie in excess of officer financial limits). Portfolio holders will be involved in providing political guidance to officers in the case of significant decisions, setting the strategic direction for the services within the portfolio and developing future policy recommendations for presentation to Cabinet.

All decisions taken by Portfolio holders should be in consultation with officers and the nature of the consultation recorded. The basis, reasons, options considered and consultees should also be recorded for each decision. Portfolio holders will be personally responsible for ensuring this information is recorded in the Register of Portfolio holder decisions (originals to be held with Democratic Services). Any 'key' decisions taken by Portfolio holders will also need to be recorded separately following relevant guidance.

**Recording of significant decisions under delegated powers**

All 'significant' decisions will be recorded in a form prescribed by the Head of Legal, Democratic and Regulatory Services. The record will state the basis, reasons, options considered and consultees for each decision. Decision makers will be personally responsible for ensuring this information is recorded in the Register of Significant decisions (originals to be held with Democratic Services), within two working days of the decision being made.

**Virement**

All delegation is subject to the Council's virement rules which can be found within the Council's Financial Procedures. All virements should be formally recorded in a form prescribed by the Chief Finance Officer.

All general delegations under the Portfolio holder are the strategic and political responsibility of the Portfolio holder (even though the box may be blank).

The Head of Service box lists which officer is specifically responsible for that matter.

The tick (✓) denotes that a specific decision-making power has been delegated to the relevant portfolio holder.

Note: A copy of the form to be used for recording all key and significant decisions taken by Portfolio Holders and Officers, including decisions involving virement and decisions taken under the urgency procedure, is set out on pages 43-44 below.

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| <p>Key</p> <ol style="list-style-type: none"><li>1. ✓ – taken from Terms of Reference/Scheme of Delegation</li><li>2. ✓ amended – as above but amended to reflect changed service definitions or increased financial limits etc</li><li>3. PH – Portfolio holder</li><li>4. CEX – Chief Executive</li><li>5. HoS – Head of Service</li><li>6. HPBC– Head of Planning and Building Control</li><li>7. HLDRS – Head of Legal, Democratic and Regulatory Services</li><li>8. CFO – Chief Finance Officer</li><li>9. HHRITCS – Head of Human Resources, Customer Services and IT</li><li>10. HH – Head of Housing</li><li>11. HCS – Head of Community Services</li><li>12. CPPO– Chief Policy and Partnerships Officer</li></ol> |
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## ST ALBANS CITY AND DISTRICT COUNCIL

## DECISION REGISTER

Portfolio(s) decision relates to:									Name of Portfolio Holder:		
Name of decision maker:				Signature of decision maker:							
Name of relevant Overview and Scrutiny Committee:				Date of decision:							
Type of decision ( <i>please tick</i> )	Key		Significant		Virement		Other				
Scheme of delegation reference under which decision is taken:											
Has this decision drawn upon confidential information? (If yes – please set out what confidential information has been taken into account on a separate sheet)						Yes / No					
<p>DECISION (<i>Note this should be written in the style of a committee minute and should not include confidential information</i>):</p> <p>In arriving at my decision I have properly and thoroughly taken into account the legal, financial and workforce implications for the Council. My decision is within the Council's policy and budget framework and complies with the regulations and procedures set out in the Constitution. I have explicitly considered the Council's corporate objectives in arriving at my decision. In coming to my decision I have consulted with all relevant parties as appropriate and in accordance with the scheme of delegation.</p>											

REASON/S FOR THE DECISION			
The basis for this decision is ...			
<i>This should include a short opening summary of the reason for the decision. This is likely to be supported by additional narrative. Supporting and background information should not be directly replicated. These should be fully cross referenced at the end of the report under background papers – Local Government (Access to Information Act 1985)</i>			
OTHER OPTIONS CONSIDERED:		REASONS FOR REJECTING THESE OPTIONS	
1.			
2.			
3.			
CONSULTEES			
In making this decision, I have consulted the following people:			
Name and Signature	Position	Date of consultation	Outcome of consultation (may cross reference to supplementary/backg round sheets)
LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985			
Bibliography	Custodian	File location	

Confidential information under paragraph ... of the Local Government Act 1972 (as amended) was taken into account in reaching this decision, as included on a separate summary sheet supplied with this decision sheet but not available to the public.

Ref	CHIEF EXECUTIVE/HEAD OF PAID SERVICE	Comment
HoPS1	Full authority in consultation with the Chair of the committee/Cabinet, or Portfolio holder to deal with urgent business between committee/Cabinet meetings, with the provision that the Chair may call a special meeting if he considers it necessary.  (Note: Where the urgent business related to a decision concerning the approved amount for a capital scheme under paragraph 5.5 of the Capital Projects Protocol, the relevant Overview and Scrutiny Committee Chairman will be consulted.)	
HoPS2	Power to make payments or provide other benefits in cases of maladministration.	
HoPS3	In the absence of the Monitoring Officer, to act as "qualified person" for the purposes of Section 36 of the Freedom of Information Act 2000. test	
HoPS4	Authority to determine whether to approve or refuse request for the display or use of the District Armorial Bearings, in consultation with the Mayor.	Formerly Ref SD8

## Employment Procedure Rules in the Constitution

Employment Procedure Rules – pages <b>Q1-Q3</b> of the Constitution	Functions incorporated into the Officer Employment Procedure Rules, which are compliant with the Local Authority Standing Order (England) Regulations 2001. These provisions stipulate that the appointment and dismissal and the taking of disciplinary action against members of staff must be discharged on behalf of the authority by CEX or his/her nominee. (These functions do not extend to the Monitoring Officer, Chief Finance Officer and other Heads of Service).	To be retained within the remit of CEX
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Ref	HEADS OF SERVICE	Comment
HoS1	Authorisation of expenditure in accordance with Council, Cabinet, Portfolio holder decision or in other cases within the Council's estimates where the expenditure does not require a further executive decision.	
HoS2	Responding to consultation papers on matters which are routine and do not have significant political implications. All major consultation documents to be sent to Portfolio holder as matter of course.	Consulting with PH as appropriate.
HoS3	Appointment of staff within establishment up to and including below Heads of Service; suspension for misconduct at any level and termination of employees' contracts of employment up to and including manager level in the departmental structure.	
HoS4	Disposal of surplus equipment and materials subject to Financial Regulations.	
HoS5	Authority to make decisions to refuse applications for licences, consents etc where approval or refusal depends on the requisite specific conditions being fulfilled.	
HoS6	Authority to accept reasonable variation in contracts and orders where such variations are based on recognised 'rise	

<b>Ref</b>	<b>HEADS OF SERVICE</b>	<b>Comment</b>
	and fall' clauses.	
HoS7	Authorisation of works of general maintenance which are within the budgeted estimates.	
HoS8	Authorisation for overtime.	
HoS9	Employment of casual labour urgently needed.	
HoS10	Service responsibility for ensuring the health and safety of staff and ensuring adherence to safe practices in the provision of services.	
HoS11	Service responsibility for ensuring the Council meets its responsibilities under the Equality Act 2010 in the provision of services and the employment of staff.	
HoS12	Dealing with grievances, within existing policy, from staff within their own Service, consulting with the Head of Human Resources, Customer Services and IT as appropriate.	
HoS13	Ensuring that all staff receive appropriate training and development, within existing policies, to enable them to carry out their job effectively and safely.	
HoS14	Authorisation of attendance on courses, seminars and meetings within budget, consulting the Head of Human Resources, Customer Services and IT as appropriate.	
HoS15	Approval of leave eg annual, special in line for current policy.	
HoS16	Recording, monitoring and control of sickness absence in line with Council policy and best practice.	
HoS17	Service responsibility for maintaining an appropriate framework and environment conducive to maintaining positive employee relations. In consultation with the Head of Human Resources, Customer Services and IT day to day employee relations and consultation with staff and recognised trade union in relation to Service matters.	
HoS18	Authority to set charges subject to consultation with Portfolio holders, in accordance with Financial Regulation 4.30.	
HoS19	Authority for the Chief Finance Officer or his nominee, in consultation with the Portfolio Holders for Heritage, Arts and Tourism and Resources and Efficiencies be authorised to approve applications for funding from S106 employment related funds up to £25,000.	Formerly Ref. SD9
HoS20	For the Head of Legal, Democratic and Regulatory Services, overall responsibility for ensuring that the Council maintains safe working conditions and safe practices in the provision of its services.	Formerly Ref. SD10
HoS21	For the Chief Policy and Partnerships Officer, overall responsibility for ensuring that the Council's responsibilities under the Equality Act 2010 are adhered to in the provisions of services and the employment of staff.	Formerly Ref. SD11

<b>Ref</b>	<b><u>ALL STAFF</u></b>	
S1	Responsibility for personally adhering to the Council's responsibilities under the Equality Act 2010 and taking appropriate action to prevent inappropriate discrimination in the delivery of service and as an employee.	
S2	Responsibility for adhering to the Council's policies and procedures and for personally ensuring their own safety and the safety of others.	

**1. PLANNING AND CONSERVATION PORTFOLIO**

1.1 Ref	<b>GENERAL – PLANNING AND CONSERVATION</b>	Portfolio holder	Head of Service
1.1.1	Recommendations on overall town and country planning policy, including the preparation of the Authorities Land Development Scheme and related documents.		HPBC
1.1.2	Planning studies, briefs etc on policy detail.		HPBC
1.1.3	Protection of areas and buildings of architectural or historic interest and environmental enhancement (including designation of conservation areas, listed building repairs notices and tree preservation).		HPBC
1.1.4	Matters in connection with Land Charges.		HLDRS
1.2 Ref	<b>SPECIFIC – PLANNING AND CONSERVATION</b>	Portfolio holder	Head of Service
1.2.1	Determination of grant applications under Sections 57 and 58 of the Planning (Listed Buildings and Conservation Areas) Act 1990, subject to report to the committee on any action taken.		HPBC
1.2.2	Provision of supplementary planning guidance.	Approve	
1.2.3	Designation of conservation areas/identification of locally listed buildings for inclusion in local list.	Approve	
1.2.4	Designation of areas of archaeological importance and nature reserves.	Approve	
1.2.5	Approval of Article 4 Directions.	Approve	
1.2.6	Compulsory purchase orders.	Approve	
1.2.7	Authority to deal with and determine Building Regulation applications and relaxations or dispensations from Building Regulations under the Building Act 1984.		HPBC
1.2.8	Power to serve notices pursuant to Regulation 14 (6) of the Building Regulations 1991 (as amended), to require the cutting into, laying open or pulling down so much of the work within a reasonable time to ascertain whether any of the Regulations have been contravened.		HPBC
1.2.9	Authority to dispose of museums items not relevant or surplus to the City and District Council's requirements.		HCS
1.2.10	Authority to respond to consultations received in connection with the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994.		HPBC
1.2.11	Authority, in consultation with the Chief Finance Officer, to set and fix the level of Building Control charges utilising the LGA Model Fee Scheme.		HPBC
1.2.12	Determination of applications under Section 17 of the Land Compensation Act 1961 for Certificates of Appropriate Alternative Development.		HPBC
1.2.13	To respond to consultations from adjoining Local Planning Authorities on development proposals within their area of a minor nature.		HPBC
1.2.14	Authority to determine applications for "prior approval" of Agricultural and Forestry Buildings in		HPBC

1.2 Ref	<b>SPECIFIC – PLANNING AND CONSERVATION</b>	Portfolio holder	Head of Service
	accordance with Part 6 and Part 7 of Schedule Two of the Town and Country Planning and General Development Order 1988 (as amended).		
1.2.15	Authority to determine applications for “prior approval” of development involving demolition, as defined in the Town and Country Planning General Development Order (Amendment) (No.3) Order 1992, within 28 days of receipt of an application.		HPBC
1.2.16	Authority to determine applications for “prior approval” in connection with development by Telecommunications Code Systems Operators, as defined in the Town and Country Planning General Development Order 1988 (as amended).		HPBC
1.2.17	Authority, in consultation with the Head of Legal, Democratic and Regulatory Services, to issue planning contravention notices where appropriate in accordance with Sections 171C and 171D of the Town and Country Planning Act 1990.		HPBC
1.2.18	Authority to make decisions, in consultation with the Head of Legal, Democratic and Regulatory Services, on applications in respect of Certificates of lawfulness of existing use or development, and Certificates of lawfulness of proposed use or development.		HPBC
1.2.19	Determination of applications for development in accordance with the protocol set out at Appendix 1.		HPBC
1.2.20	Service of Notices under Section 330 of the Town and Country Planning Act 1990, requiring the giving of information as to the ownership of, and other interests in, land or premises.		HPBC
1.2.21	The determination after consultation with the Head of Legal, Democratic and Regulatory Services of applications made under Section 192 of the Town and Country Planning Act 1990, for a Certificate as to the established Use of Land.		HPBC
1.2.22	Authority to issue a Temporary Stop Notice under Section 171E of the Town and Country Planning Act 1990, in consultation with the Portfolio Holder/Leader.		HPBC
1.2.23	The service, in terms of Article 7(2) of the Town and Country Planning General Development Order 1988 and Regulation 4(a) of the Town and Country Planning (Applications) Regulations 1988, of Notices requiring further information for the purposes of arriving at a decision in respect of an application for outline permission for the erection of a building or buildings.		HPBC
1.2.24	Determination of details pursuant to conditions attached to the grant of permissions and consents.		HPBC
1.2.25	Authority to issue Fire Safety Completion Certificates in appropriate cases and in accordance with the Building Regulations 1991 and the Fire Precautions Act 1971.		HPBC
1.2.26	Authority, in consultation with the Head of Legal, Democratic and Regulatory Services, to issue Breach of Condition Notices where considered appropriate in accordance with Part I, Section 2 of the Planning and Compensation Act 1991.		HPBC
1.2.27	Authority to issue Enforcement Notices under Section 172 of the Town and Country Planning Act 1990.		HPBC
1.2.28	Authority to issue Notices in respect of replacement trees under Section 207 of the Town and Country Planning Act 1990.		HPBC
1.2.29	Authority to issue Maintenance of Land Notices under Section 215 of the Town and Country Planning		HPBC

1.2 Ref	<b>SPECIFIC – PLANNING AND CONSERVATION</b>	Portfolio holder	Head of Service
	Act 1990.		
1.2.30	Authority to issue Discontinuance Notices under Regulation 8 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.		HPBC
1.2.31	Authority to issue Building Preservation Notices under Section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990.		HPBC
1.2.32	Authority to issue Listed Building Enforcement Notices and Conservation Area Enforcement Notices under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.		HPBC
1.2.33	Authority to issue Notices requiring urgent works to preserve unoccupied Listed Buildings under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.		HPBC
1.2.34	Authority to issue Notices requiring urgent works to preserve unoccupied buildings in Conservation Areas under Section 76 of the Planning (Listed Buildings and Conservation Areas) Act 1990.		HPBC
1.2.35	Authority to issue Notices under the Building Act 1984.		HPBC
1.2.36	Authority to serve Notices in respect of Tree Preservation Orders under Part VIII of the Town and Country Planning Act 1990.		HPBC
1.2.37	Authority to confirm unopposed Tree Preservation Orders after conclusion of the 28 day consultation period, including the revocation of any superseded Order(s) and any minor correction of fact (e.g. Road for Avenue). Prior to taking a final decision to confirm an unopposed Order, the Portfolio Holder for Planning and Conservation and Ward Councillors shall be given 5 working days to call in such an Order for consideration by a Planning (Development Control) Committee.		HPBC
1.2.38	Authority to deal with applications and appeals in relation to consent for protected trees under the Town and Country Planning Act 1990.		HPBC

Note: The exercise of delegated powers by the Head of Planning and Building Control in respect of References 1.2.27 – 1.2.38 above, is dependent upon either (a) his/her report on the enforcement action to be taken, or (b) his/her intention to confirm an unopposed TPO not being called in by the Portfolio Holder for Planning and Conservation and/or appropriate Ward Members for the matter to be considered at the next Planning (Development Control) Committee meeting.

## **2. ENVIRONMENT AND SUSTAINABILITY PORTFOLIO**

2.1 Ref	<b>GENERAL – ENVIRONMENT AND SUSTAINABILITY Transportation</b>	Portfolio holder	Head of Service
2.1.1	To be responsible for consultation on transportation and traffic management with Hertfordshire County Council.		HPBC
2.1.2	To establish and maintain good partnership links with Hertfordshire County Council with the aim of developing and implementing a sustainable local transport plan.		HPBC
2.1.3	To monitor the performance and satisfaction levels for St Albans residents in relation to the Highways		HPBC

2.1 Ref	<b>GENERAL – ENVIRONMENT AND SUSTAINABILITY Transportation</b>	Portfolio holder	Head of Service
	Partnership.		
2.1.4	Transport Subsidies including the Taxi voucher scheme.		HPBC
2.1.5	Residual matters in connection with Concessionary Fares. (This function was transferred to Hertfordshire County Council in April 2011.)		CFO
2.1.6	Street naming and numbering, after consultation with the Parish Council, where appropriate, and Ward representatives.		HPBC
2.1.7	To monitor the progress of the Council's Tree Strategy, which aims to provide long term planning to ensure that trees are maintained and replanted so that the continue to play an important role in the environment for future generations.		HPBC

2.2 Ref	<b>GENERAL – ENVIRONMENT AND SUSTAINABILITY Land Drainage</b>	Portfolio holder	Head of Service
2.2.1	Authority to act on behalf of the Council in respect of the Land Drainage Act 1991.		HPBC

2.3 Ref	<b>GENERAL – ENVIRONMENT AND SUSTAINABILITY Promotion of Environmental Sustainability of Council Services and Organisation</b>	Portfolio holder	Head of Service
2.3.1	The promotion of environmental sustainability of Council services and organisation through the Environmental Management and Audit Scheme for Local Government.		CPPO
2.3.2	Overseeing the monitoring and policy formulation in relation to the overall Environmental System.	✓	
2.3.3	Consider the significance of environmental issues for the authority, including new and potential legislation and reports on local, national and global environmental topics.		CPPO
2.3.4	Initiate proposals for the new environmental activities to be implemented by the authority and the review of current initiatives.		CPPO
2.3.5	To consider and approve: <ul style="list-style-type: none"> <li>– The Environmental Policy</li> <li>– The report of the Environmental Review</li> <li>– The Environmental Objectives and Programme</li> <li>– The Environmental Audit Reports</li> <li>– The Environmental Statement prior to validation</li> <li>– The Report of the accredited environmental verifier</li> </ul>	✓	

2.4 Ref	<b>GENERAL – ENVIRONMENT AND SUSTAINABILITY Waste collection, recycling and cleaning</b>	Portfolio holder	Head of Service
2.4.1	Refuse and recycling collections, street and other environmental cleansing.		HCS
2.4.2	The protection and enhancement of the environment of the City and District, including matters related to		CPPO

2.4 Ref	<b>GENERAL – ENVIRONMENT AND SUSTAINABILITY</b> <b>Waste collection, recycling and cleaning</b>	Portfolio holder	Head of Service
	sustainability and Local Agenda 21.		
2.4.3	Responsibility for receiving consultation documents and carrying out all necessary internal procedures regarding any applications received by the Waste Disposal Authority and submitted to the District Council for consideration.		HCS

2.5 Ref	<b>GENERAL – ENVIRONMENT AND SUSTAINABILITY</b> <b>Information Technology</b>	Portfolio holder	Head of Service
2.5.1	Matters in connection with Information Technology		HHRITCS
2.5.2	Approval of the Council's Publications Scheme under the Freedom of Information Act 2000 and any subsequent amendments		HHRITCS

### **3. COMMUNITY LEADERSHIP AND COMMUNICATIONS PORTFOLIO**

3.1 Ref	<b>GENERAL – COMMUNITY LEADERSHIP AND COMMUNICATIONS</b>	Portfolio holder	Head of Service
3.1.1	To monitor, liaise with and make representations to the statutory providers of primary and hospital health services on behalf of the Council.		CPPO
3.1.2	To consult with and encourage good communication with the providers of health services within or used by the District regarding proposed changes to health care provision, strategies or services, in order to ensure the highest practicable standards of health are achieved throughout the District.		CPPO
3.1.3	To work in partnership with statutory and voluntary organisations providing health services in the District and undertake joint initiatives.		CPPO
3.1.4	To receive reports in the event of public health emergencies or outbreaks in relation to matters such as notifiable diseases and to make appropriate recommendations or take such action as may be within the Council's powers.		HLDRS
3.1.5	To undertake an audit of Services provided by the District Council to assess their impact on the public and private health of the local community.		CPPO
3.1.6	Matters in connection with Public Relations		CPPO
3.1.7	Matters in connection with - Civic Activities.		HLDRS
3.1.8	- Community Leadership, including the Community Strategy and relations with the Local Strategic Partnership.	✓	
3.1.9	To take the lead in relations with Hertfordshire County Council, Town and Parish Councils, the East of England Regional Assembly and other public sector bodies.	✓	
3.1.10	Matters in connection with Housing Strategy, namely:		



3.2 Ref	<b>GENERAL – COMMUNITY LEADERSHIP AND COMMUNICATIONS Equalities</b>	Portfolio holder	Head of Service
	of the Council's responsibilities under the Equality Act 2010.		
3.2.11	To benefit from research carried out elsewhere into the needs of <ul style="list-style-type: none"> <li>– women</li> <li>– people with disabilities</li> <li>– ethnic minorities within the District and to consider ways and means in which they can be met to create an environment which is conducive to continuous harmonious relations between all sections of the community.</li> </ul>		CPPO

#### **4. HOUSING SERVICES PORTFOLIO**

4.1 Ref	<b>GENERAL – HOUSING SERVICES</b>	Portfolio holder	Head of Service
4.1.1	Administration of all provisions relating to grants, loans or subsidies for any housing purpose.		HH
4.1.2	All matters relating to the occupation of individual Council-owned properties, including special hardship situations.		HH
4.1.3	Activities in the private housing sector, including houses in multiple occupation, unfit housing, mobile home sites, empty properties and improvement areas.		HH
4.1.4	To establish effective forums for liaison with other housing and voluntary organisations such as Housing and Residents Associations.		HH
4.1.5	To consider and advise upon matters of general interest to all tenants relating to the management and maintenance of the Council's housing stock within the District.		HH
4.1.6	To seek the views of tenants on new proposals for modernisation, improvement, repair, development and management of the Council's housing stock wherever possible before final decisions are made.		HH
4.1.7	To generally encourage tenant involvement in the running of the Council's housing estates.		HH
4.1.8	To consider and advise upon matters of general interest to all tenants relating to the management of the Council's mobile home sites.		HH
4.1.9	To seek the views of tenant representatives concerning the management, repair, improvement and development of mobile home sites prior to decisions being taken.		HH
4.1.10	To generally encourage tenant involvement in the running of the Council's mobile home sites.		HH
4.2 Ref	<b>SPECIFIC – HOUSING</b>	Portfolio holder	Head of Service
4.2.1	All matters pertaining to rent collection.		HH
4.2.2	Allocation of houses within the Council's policy. Management matters including the approval of applications to take in lodgers, for mutual exchanges and transfers and for the approval of installation of		HH

4.2 Ref	<b>SPECIFIC – HOUSING</b>	Portfolio holder	Head of Service
	equipment in Council dwellings.		
4.2.3	Authority to authorise the service of a Notice to Quit and Notices of Seeking Possession in accordance with the Council's policy.		HH
4.2.4	Authority to deal with matters relating to garages, parking spaces and caravan standards and to approve tenants applications for the erection of outbuildings within the curtilage of Council properties.		HH
4.2.5	Authority to deal with applications for alterations to property for disabled tenants in accordance with the Code of Practice agreed with the Hertfordshire County Council.		HH
4.2.6	The management of Council house properties within the approved estimates.		HH
4.2.7	Discussion with tenants on management, maintenance and development of Council Estates.		HH
4.2.8	Authority regarding the service of Notices under the Housing Act 1985.		HH
4.2.9	Authority to seek permission for the carrying out of development under Regulations 3 and 4 of the Town and Country Planning General Regulations 1992 in respect of alterations or extensions to existing Council houses and flats.		HH
4.2.10	Authority to enter into Nomination Agreements with Housing Associations where the Council has no direct involvement in the development and providing the Agreement in any individual case is no lower than the minimum required by the Homes and Communities Agency at the appropriate time.		HH
4.2.11	Subject to the Portfolio holder being given 5 working days' notice, authority to authorise evictions.		HH
4.2.12	Approval and refusal of improvement, intermediate, repairs and special grant applications, subject to statistics being periodically reported to the Portfolio holder, and subject to conditions there laid down.		HH
4.2.13	Authority to determine Orders made under Section 264 of the Housing Act 1985, in consultation with the Portfolio holder.		HH
4.2.14	Authority to revoke a Direction made under Section 354 of the Housing Act 1985.		HH
4.2.15	Authority regarding the service of Notices under the Housing Acts 1985 and 2004.		HH
4.2.16	Authority to carry out work in default in the event of non-compliance.		HH
4.2.17	In relation to improvement grants: (a) The award of an additional 15% grant in cases of hardship; (b) The approval of second applications; (c) The recovery of grant monies in the event of: i) Failure to complete works. ii) Breach of grant conditions.		HH
4.2.18	Authority to administer Home Repairs Assistance Grants under Part 1 of the Housing Grants, Construction and Regeneration Act 1996, acting in accordance with advice issued from time to time by the Secretary of State.		HH
4.2.19	Authority to administer the House Renovation Grant Scheme under Part 1 of the Housing Grants, Construction and Regeneration Act 1996, and to initiate legal proceedings for recovery of grant		HH

4.2 Ref	<b>SPECIFIC – HOUSING</b>	Portfolio holder	Head of Service
	monies and in cases of breaches of grant conditions, subject to the Head of Legal, Democratic and Regulatory Services being satisfied as to the evidence, and acting in accordance with advice issued from time to time by the Secretary for State.		

## 5. CULTURE AND HERITAGE PORTFOLIO

5.1 Ref	<b>GENERAL – CULTURE AND HERITAGE Economic Development</b>	Portfolio holder	Officer
5.1.1	To promote the regeneration of the local economy by working in partnership with others, including employers, business organisations, the Market Traders Federation, tourist attractions, neighbouring district councils, Hertfordshire County Council and the East of England Development Agency, to promote the development of new and existing businesses. By working in conjunction with other organisations, the Council will seek to assist with the creation of conditions which will:- i) Reduce levels of unemployment in the City and District ii) Promote the development of Tourism for the benefit of residents and visitors alike iii) Improve the quality of life in the City and District for residents, visitors and workers iv) Maintain and improve the commercial attractiveness of the St Albans street markets v) Provide a high quality of infrastructure vi) Enable local businesses to have access to a workforce with relevant skills and training opportunities vii) Create a framework for high quality and relevant business support and advice services viii) Seek and secure funding from other agencies such as The European Commission, the East of England Development Agency and Central Government for economic regeneration initiatives ix) Facilitate the provision of electronic services to enable the objectives of the Council's Economic Development Strategy to be fulfilled x) Ensure that the commercial interests of the communities outside the City Centre of St Albans are promoted fully to improve the vitality of the businesses and employment opportunities they represent xi) Assist those in the local community who face economic and social disadvantage to overcome these difficulties xii) To establish a mechanism for consulting businesses located in the District		CPPO
5.1.2	Preparing plans for economic development and employment initiatives in consultation with local business and the community and approving expenditure on appropriate projects and programmes.		CPPO
5.1.3	Authority to approve applications for the use of the Town Hall Square in consultation with the Portfolio holder as appropriate on the basis that the conditions applying to the Civic Square be similarly applied.		HCS
5.1.4	Authority to approve applications for the use of public areas for the purposes of filming and related		HCS

	activities.		
5.1.5	Management of Tourist Information Centre.		HCS
5.1.6	To take the lead for all cultural and tourism aspects in relation to the 2012 Olympic Games.	✓	
5.1.7	Administration of markets.		HCS
5.1.8	Authority to make amendments regarding St Albans Market Christmas and New Year Trading.		HCS
5.1.9	Management of the Meals on Wheels service.		HCS
5.2 Ref	<b>GENERAL – CULTURE AND HERITAGE</b> <b>Museums</b>	Portfolio holder	Officer
5.2.1	To collect and preserve the cultural and natural artefacts of the City and District and to provide public access to these.		HCS
5.2.2	To formulate and implement policies for the preservation and enhancement of the local heritage and environment.		HCS
5.2.3	To attract support from the National Lottery, the private sector, Government grant-aid and other forms of income generation.		HCS
5.3 Ref	<b>GENERAL – CULTURE AND HERITAGE</b> <b>Arts</b>	Portfolio Holder	Head of Service
5.3.1	Authority to approve grant applications up to a sum of £2,000.00 in relation to the Small Arts Grants Scheme, subject to the submission of periodic reports listing the approved applications.	£25k with two other PH acting as a Panel, subject to max to single org £50k.	HCS
5.3.2	To establish or review appropriate forums for the organisation and management of the St Albans Festival.		HCS
5.3.3	To ensure good quality and affordable theatre and cinema facilities throughout the City and District.		HCS
5.3.4	Management of the Maltings Arts Theatre including authority to vary the prices charged.		HCS in consultation with PH
5.3.5	To encourage the continuation of existing festivals and the establishment of new ones, including Magna Carta 2015.		HCS in consultation with PH

**6. SPORT AND LEISURE PORTFOLIO**

6.1 Ref	<b>GENERAL – SPORT AND LEISURE Leisure</b>	Portfolio holder	Head of Service
6.1.1	To ensure good quality and affordable leisure, sporting and cultural facilities throughout the City and District, so as to improve the quality of life and health of the local community.		HCS
6.1.2	To consult with and inform residents and visitors about the District's leisure facilities, activities and events, using all appropriate means.		HCS
6.1.3	To respond to identified needs and form appropriate partnerships, to develop new and enhance existing facilities and services.		HCS
6.1.4	To specify, let, manage and monitor the Council's leisure and grounds maintenance contracts to ensure that a continued level of effective management and high quality of service is provided.		HCS
6.1.5	To maintain and improve the environment through the provision, sympathetic maintenance and enhancement of parks, gardens, allotments and open spaces, and in particular to encourage the creation, protection, preservation and conservation of wildlife habitats.		HCS
6.1.6	To enable opportunities for children and young people to enjoy safe and formal yet unsupervised play, with appropriate equipment in reasonable proximity to their homes.		HCS
6.1.7	To ensure the management, provision, upkeep, maintenance and continual improvement of Council cemeteries throughout the City and District.		HCS
6.1.8	Fostering mechanisms for involving and consulting with the youth of the District.	✓	
6.1.9	Management of Jubilee Centre and Restaurant including authority to vary the prices charged.		HCS Charges – in consultation with PH
6.1.10	To exercise responsibility for the Council's functions relating to health promotion and projects, including the development of appropriate consortium bids.		HCS
6.1.11	To take the lead for all sports related activities and facilities in relation to the 2012 Olympic Games.	✓	

6.2 Ref	<b>SPECIFIC – SPORT AND LEISURE Leisure</b>	Portfolio holder	Head of Service
6.2.1	Authority to take decisions on the use of accommodation where precedent has been established.		HCS
6.2.2	Authority to act, where appropriate, as the Supervising Officer for the "Contract for Management of Leisure Related Facilities and Services" and the "Contract for the provision of Grounds Maintenance Services".		HCS
6.2.3	Authority to act in all matters relating to the management of allotments.		HCS
6.2.4	Authority to vary lettings charges at the Jubilee Centre.		HCS

6.2 Ref	<b>SPECIFIC – SPORT AND LEISURE Leisure</b>	Portfolio holder	Head of Service
6.2.5	Provision of finance and District Council representation on the Bricket Wood Common Management Committee and the Nomansland Common Management Committee.	✓	
6.2.6	To establish or review appropriate forums for the organisation and management of areas of public open space.	✓	
6.2.7	Authority to agree level of charges for leisure and arts facilities in consultation with the Portfolio Holders for Sport and Leisure and Culture and Heritage.		HCS

## **7. COMMUNITY ENGAGEMENT AND SUPPORT PORTFOLIO**

7.1 Ref	<b>GENERAL – COMMUNITY ENGAGEMENT AND SUPPORT</b>	Portfolio Holder	Head of Service
	Matters in connection with		
7.1.1	- Elections		HLDRS
7.1.2	- Electoral Registration		HLDRS
7.1.3	- Town Twinning		HLDRS
7.1.4	- Democratic Services, including Members' Allowances and Expenses		HLDRS
7.1.5	- Community Safety	✓	
7.1.6	- Crime and Disorder	✓	
7.1.7	- Closed Circuit Television (CCTV)		CPPO
7.1.8	Matters affecting the health, safety and protection of the inhabitants of the District, including elderly and disabled persons.	✓	
7.1.9	All decisions required to be taken under the Anti Social Behaviour Act 2003 to be delegated to the Chief Policy and Partnerships Officer in consultation with the Portfolio Holder for Community Engagement and Support.		CPPO
7.1.10	Matters affecting gypsy encampments.		HCS
7.1.11	To be responsible for car parking policy, maintenance and charges, including penalty charges, relating to the District.		HLDRS
7.1.12	Matters relating to the needs of residents for parking in the District and the needs of visitors and workers within the District, including, in consultation with the Portfolio Holder and in accordance with the Road Traffic Act 1991 (Traffic Management Act 2004 Part VI from 31 March 2008), making changes to parking restrictions.		HLDRS
7.1.13	Authority to act in all respects for the Council under the current Off Street Parking Places Order including the initiation of legal proceedings, except that any changes to the Order which will need Portfolio holder approval.	Approval of changes to Order	HLDRS

7.1 Ref	<b>GENERAL – COMMUNITY ENGAGEMENT AND SUPPORT</b>	Portfolio Holder	Head of Service
7.1.14	Authority to approve the making of temporary street closure orders under Section 21 of the Town Police Clauses Act 1847		HPBC
7.1.15	To exercise responsibility for the discharge of the Council's own statutory and discretionary services as they relate to the health of individuals and in particular matters relating to food safety, health and safety at work and infectious disease.		HLDRS
7.1.16	To develop an inclusive community by seeking to ensure that minorities within the City and District, including ethnic minorities, those with physical or sensory loss and those with learning difficulties, have appropriate access to quality health information.		CPPO
7.1.17	The protection and enhancement of the environment of the City and District, including matters related to air quality, defective drainage, environmental pollution, noise control and noxious accumulations.		HLDRS
7.1.18	The exercise of the Council's powers and duties found in Part IIA of the Environmental Protection Act 1990 relating to contaminated land.		HLDRS
7.1.19	To take the lead for matters in connection with emergency planning, disaster recovery, business continuity and community resilience.		CPPO

7.2 Ref	<b>SPECIFIC – COMMUNITY ENGAGEMENT AND SUPPORT</b>	Portfolio Holder	Head of Service
7.2.1	Exercise of the Council's powers and duties in respect of meat inspections, rodent control, nuisance control, including in this expression defective drains, defective or overflowing cesspools etc as well as nuisances defined as such by statute.		HLDRS
7.2.2	Authority to determine chimney heights under the Clean Air legislation.		HLDRS
7.2.3	Authority to make appropriate arrangements for the burial of deceased persons for whom no other burial arrangements can be made.		HLDRS
7.2.4	The undertaking of work in default of compliance with Notices.		HLDRS
7.2.5	The instigation of legal proceedings for non-compliance with notices and offences against legislation.		HLDRS
7.2.6	Authority to act on behalf of the City and District in respect of the duties and provisions of the Food Safety Act 1990, and to initiate legal proceedings where necessary.		HLDRS
7.2.7	Authority to reduce or waive fees and charges paid by owners claiming dogs seized by the Council under the Environmental Protection Act 1990, if considered reasonable to do so.		HLDRS
7.2.8	Delegated powers for the purposes of the control of sex establishments and appointing authorised Officers for the purposes of control of such establishments.		HLDRS
7.2.9	The licensing or registration of dealers and premises under appropriate acts and the issue of street trading consents but reserving the right in the case of refusal of any licence, registration or consent for the applicant to appeal		HLDRS
7.2.10	Authority to remove abandoned vehicles obstructing the public highway under Section 3(5) and 4(1) of		HCS

7.2 Ref	<b>SPECIFIC – COMMUNITY ENGAGEMENT AND SUPPORT</b>	Portfolio Holder	Head of Service
	the Refuse Disposal (Amenity) Act 1978, and under Sections 99-103 of the Road Traffic Regulation Act 1984.		
7.2.11	Authority to make representations on behalf of the Council on the granting or renewal of Goods Vehicle Operators licences.		HLDRS
7.2.12	Authority to appoint testers to carry out tests on Hackney Carriages and Private Hire Vehicles preparatory to the issue of Certificates of Compliance.		HLDRS
7.2.13	The granting and all associated decisions (renewal, suspension, revocation, refusal, etc) in respect of the licences for Hackney Carriages, Private Hire Vehicles, Drivers of Hackney Carriages and/or Private Hire Vehicles and Operators within the Council's policy.		HLDRS
7.2.14	Authority to impose such conditions on Caravan Site Licences as may be reasonably necessary for the control of the sites (Planning).		HH
7.2.15	Authority to appoint inspectors under Section 19 of the Health and Safety at Work Act 1974		HLDRS
7.2.16	Authority to appoint inspectors under paragraph 2 of Schedule 2 of the Sunday Trading Act 1994		HLDRS
7.2.17	Authority to appoint suitably qualified officers of the of the Health Protection Agency to be "Proper Officers" for the discharge of the Council's duties under the Public Health (Infectious Diseases) Regulations 1988 and the National Assistance Act 1948 Section 47.		HLDRS
7.2.18	Authority to make enforcement decisions and to take action with regard to premises, places and vehicles in relation to which the Council has enforcement functions as defined in the Health Act 2006 and the Smoke-free Premises and Enforcement Regulations 2006.		HLDRS

7.3 Ref	<b>SPECIFIC – COMMUNITY ENGAGEMENT AND SUPPORT Legal Services</b>	Portfolio Holder	Head of Service
7.3.1	Authority generally to defend or pursue legal action against or by the Council and in particular authority to take action to recover debts owed to the Council and to take action against persons responsible for damage to Council property.		HLDRS
7.3.2	Authority to prosecute on behalf of the Council for contravention of any Council byelaws or for the breaches of any other legislation or regulations where the responsibility for enforcement lies with the City and District Council.		HLDRS
7.3.3	The giving or serving of Notices required by any legislation or administrative function which is not otherwise delegated.		HLDRS
7.3.4	Approval of applications for House to House and Street Collection permits in accordance with the policy approved.		HLDRS
7.3.5	Approval of applications for the grant of amusement with prizes permits under the Gambling Act 2005 and applications for amusement with prizes other than by machines permits under Section 16 of the Lotteries and Amusements Act 1976 and the renewal of such permits where there are no objections		HLDRS

	from the Police.		
7.4 Ref	<b>SPECIFIC – COMMUNITY ENGAGEMENT AND SUPPORT Legal Services</b>	Portfolio Holder	Head of Service
7.4.1	Approval of Housing Act advances.		HH
7.4.2	Authority, in consultation with the Portfolio holder to instigate prosecutions on behalf of the Council for breaches of the Protection from Eviction Act 1977.		HH
7.4.3	The service of Notices in respect of Tree Preservation Orders including the Notices under Section 330 of the Town and Country Planning Act 1990.		HH
7.4.4	The service of Notices under Section 330 of the Town and Country Planning Act 1990, requiring the giving of information as to the ownership of, or other interests in, land or premises.		HH
7.4.5	The service of Notices for proposed adoption of private streets and other statutory notices required to be served under the Highways Acts other than the service of notices by the Head of Planning and Building Control		HH
7.4.6	Authority to give Directions to unauthorised campers under Section 77 of the Criminal Justice and Public Order Act 1994 and to make complaints to the Magistrates Court under Section 78 of the 1994 Act for Orders requiring the removal of persons, vehicles and caravans.		HH
7.4.7	Approval of loans to hotels and boarding houses under the Fire Precautions (Loans) Act 1973 at a rate of one quarter per cent higher than that prescribed by H M Treasury, subject to loans above £25,000 being approved in consultation with the Chief Finance Officer and the Portfolio holder.		HH
7.4.8	Commencement of legal action necessary as a matter of urgency to protect the Council's land ownership interests		HLDRS. To be reported to PH
7.4.9	Sealing of documents as provided for under Standing Order 32.		HLDRS
7.4.10	To act as a qualified person for the purposes of Section 36 of the Freedom of Information Act 2000.		HH
7.5 Ref	<b>GENERAL – COMMUNITY ENGAGEMENT AND SUPPORT Estates</b>	Portfolio holder	Head of Service
7.5.1	Acquisition and disposal, management and use of all land and property other than the statutory Council housing or residential caravan sites and the provision of advice concerning property matters to all departments and functions of the Council, its Members and Officers.		HCS
7.6 Ref	<b>SPECIFIC – COMMUNITY ENGAGEMENT AND SUPPORT Estates</b>	Portfolio holder	Head of Service
7.6.1	Determination of rents of new lettings of properties other than housing dwellings.		HCS
7.6.2	The agreement of revised rent for an existing lease.		HCS. To be reported to PH
7.6.3	The approval of sub-lettings		HCS

7.6 Ref	<b>SPECIFIC – COMMUNITY ENGAGEMENT AND SUPPORT Estates</b>	Portfolio holder	Head of Service
7.6.4	Alterations and additions to corporate property subject to planning permission (if applicable) having first been obtained		HCS
7.6.5	Authority to grant easements, wayleaves or other licences to householders provided the use is for domestic purposes.		HCS
7.6.6	Authority to grant easements, wayleaves, and licences to Statutory Undertakers.		HCS
7.6.7	Authority to grant all other easements, wayleaves, and licences subject to the Portfolio holder being given 5 working days notice (see Ref. 7.6.13).		HCS in consultation with PH
7.6.8	Authority to agree terms of temporary licences for contractors' compounds.		HLDRS
7.6.9	Authority to proceed with disposals of land where the purchaser/leaseholder has a legal right to require the freehold to be transferred to him/her.		HLDRS
7.6.10	Authority to renew leases for electricity sub-stations and gas governor kiosks to Public Utility Companies in cases where a statutory right of renewal applies.		HLDRS
7.6.11	Grant of a new lease or licence will be delegated to the Head of Service (Head of Legal, Democratic and Regulatory Services). Where the grant of a new lease or licence involves the receipt of a premium, the financial limits specified in 8.9.19 shall apply.		HLDRS
7.6.12	Authority to renew existing lease or licence, where leaseholder/licensee has statutory rights to renewal.		HLDRS
7.6.13	Authority to renew existing lease or licence. Authority to enter into new leases with existing tenants subject to the following - no complaints having been received and no problems being anticipated; - the achievement of full rack rental values; - the leases being on standard terms of 30 year maximum length.		HLDRS
7.6.14	Deeds of variation of leases and licences.		HLDRS
7.6.15	Surrender of leases and licences.		HLDRS
7.6.16	Change of user clause in leases or licences of commercial property.		HLDRS
7.6.17	Rent rebate or rent concession where required for good estate management.	£8k limit	HLDRS £5k limit
7.6.18	Transfer / sale of land where Council is legally required to proceed.		HLDRS
7.6.19	Sale of property up to estimated value.	£100k limit	HLDRS £25k limit
7.6.20	Relaxation of restrictive covenants.		HLDRS
7.6.21	Acquisition and sale of land under Section 106 agreement or for amenity space/ operational purposes, subject to written instruction of relevant Head of Service.	£100k limit	HLDRS £50k limit
7.6.22	Acquisition of land other than under Section 106 agreement, amenity spaces or operational purposes, subject to request from Head of Service and within existing Service/Division budget.	£50k limit	HCS £25k limit
7.6.23	Approval of Asset Management Plan.	✓	

7.6 Ref	<b>SPECIFIC – COMMUNITY ENGAGEMENT AND SUPPORT Estates</b>	Portfolio holder	Head of Service
7.6.24	Approval of property policy statements and protocols, except where reserved by Cabinet.	✓	
	(Note: Where references are made within this section to Portfolio Holders, in each case they relate to the Portfolio Holder in whose area of responsibility the land concerned falls.)		

## **8. RESOURCES AND EFFICIENCIES PORTFOLIO (including Human Resources, Customer Services and Financial Services)**

8.1 Ref	<b>GENERAL – RESOURCES AND EFFICIENCIES Human Resources</b>	Portfolio holder	Officer
8.1.1	To be responsible for the delivery and promotion of the Council's strategic aim 'to be a good employer'.	✓	HHRITCS
8.1.2	To ensure that the Council fully complies with all employment legislation and best practice guidance.		HHRITCS
8.1.3	To take actions to recruit and retain sufficient suitably qualified and motivated staff to enable the Council to deliver appropriate, quality services.		HHRITCS
8.1.4	To take actions as necessary to ensure that the Council is free from inappropriate discrimination, and makes positive steps to promote diversity and equality of opportunity both as employer and service provider.		HHRITCS
8.1.5	Recommending to Cabinet any major changes in the staffing structure.		HHRITCS

8.2 Ref	<b>SPECIFIC – RESOURCES AND EFFICIENCIES Human Resources</b>	Portfolio holder	Officer
8.2.1	On request from Head of Service, authorisation of expedited salary increments as provided within the National Scheme of Conditions of Service.		HHRITCS
8.2.2	Administration of Car Allowances scheme in conjunction with Payroll Services contractor.		HHRITCS
8.2.3	Granting of extensions of service for periods of six months at a time to serving Officers below grade Scale 4.		HHRITCS
8.2.4	Implementation of National or Regional decisions on Conditions of Service of staff and employees.		HHRITCS
8.2.5	Negotiations with individual Officers of terms relating to voluntary redundancy, including additional periods of service for pension purposes and improved redundancy payments, within existing policy guidelines.		HHRITCS
8.2.6	Authority, in conjunction with the relevant Head of Service, to consider any regrading claim by staff and to agree the re-grading of any post (other than those of/to Head of Service and above) where the approved criteria is met and within existing recurring Service/Division budget.	Sums greater than the lower of 10% or £3k – excluding oncosts pa, per claim	HHRITCS Lower of 10% or £3k – excluding on costs pa, per claim
8.2.7	Authority to vary lettings charges at the District Council Offices.		HHRITCS

8.2 Ref	<b>SPECIFIC – RESOURCES AND EFFICIENCIES</b> <b>Human Resources</b>	Portfolio holder	Officer
8.2.8	Authority, in conjunction with the relevant Heads of Service, to approve minor structural changes to the staff establishment where the cost of such changes can be accommodated within the total salary recurring budget for the Service concerned or which can be funded by on-going savings within that Service/Division.		HHRITCS
8.2.9	Approval, following request from Head of Service or above, of dismissal on grounds of redundancy and/or early retirement or efficiency or some other substantial reason subject to consultation with the Chief Finance Officer and the Portfolio Holder and within existing Service budget.  [Note: £25 – 100k total Cabinet, > £100k total Council]		HHRITCS £25k total (excluding compulsory redundancy)
8.2.10	Approval, following request from Head of Service or above, of early retirement on compassionate grounds, subject to consultation with the Chief Finance Officer and within existing Service budget		HHRITCS £25k voluntary redundancy only
8.2.11	Approval of request from Head of Service for acting up allowances and similar eg honoraria in recognition of work done outside postholder's normal role, subject to being within Service/Division budget	✓ £10k per employee	HHRITCS lower of 10% or £3k exclusive of on-costs per annum, per claim
8.2.12	Approval of request from Head of Service for other special payments in recognition of needs of posts where no policy exists and matter is urgent, subject to being within Service/Division budget	✓ £10k per employee	
8.2.13	Approval of closure on efficiency grounds for Christmas and other holidays, in consultation with Chief Executive.	1 day	½ day
8.2.14	Revision/updating existing procedures /policies to bring in line with legislation .		HHRITCS
8.2.15	Approval of new procedures to bring in line with legislation / best practice.		CEX
8.2.16	Approval, subject to medical advice, of early retirement on grounds of ill health, following consultation with Head of Service and Chief Finance Officer and within existing Service/Division budget.		HHRITCS
8.2.17	Day to day corporate employee relations and consultation with staff and recognised trade union.		HHRITCS
8.2.18	Approval of request from Head of Service for other special payments in recognition of needs of posts within existing policy		HHRITCS

8.3 Ref	<b>GENERAL – RESOURCES AND EFFICIENCIES</b> <b>Financial Services</b>	Portfolio holder	Head of Service
	Matters in connection with		
8.3.1	- Council Tax		CFO
8.3.2	- Business Rates		CFO
8.3.3	- Housing and Council Tax Benefits		CFO
8.3.4	- Benefit Fraud Investigation		CFO
8.3.5	- Treasury Management		CFO
8.3.6	- Financial Services including allocations of expenditure, income and overheads		CFO
8.3.7	- Collection of Sundry Income		CFO
8.3.8	- Special Expenses Scheme		CFO

8.4 Ref	<b>GENERAL – RESOURCES AND EFFICIENCIES</b> <b>Financial Services</b>	Portfolio holder	Head of Service
8.4.1	Authority to operate banking accounts.		CFO
8.4.2	Authority to sign indemnity in standard form in respect of losses arising from the use of printed signature cheques and other indemnities as appropriate.		CFO
8.4.3	Authority to write off individual unpaid debts (cumulative amount to one debtor must not exceed limits).	£25k limit	£10k CFO HoS £500 limit
8.4.4	Authority to effect all necessary borrowing, investment, leasing and other financing arrangements including arranging new loans/investments/leases, repayment of loans and investments, payment of interest and lease rental, and termination of leases.		CFO
8.4.5	Authority to determine the rate of interest and to negotiate terms in respect of loans, administration and legal bonds, from time to time in consultation with the Portfolio holder.		CFO
8.4.6	Authority to make payment on accounts certified for payment by authorised Officers.		CFO
8.4.7	Authority to borrow from bank up to the prescribed overdraft limits.		CFO
8.4.8	Authority to take any action necessary to make proposals for the alterations of the valuation list or rating lists and to instruct private valuers to act on behalf of the Council with regard to rating matters where considered necessary.		CFO
8.4.9	Authority to award Mandatory Rate Relief on behalf of the Council.		CFO
8.4.10	Authority to enter into valuation agreements on behalf of the Council.		CFO
8.4.11	Authority to take legal action to recover arrears in respect of Council Tax, Rates and Sundry Debts.		CFO
8.4.12	Authority to arrange the Council's insurance cover and manage all aspects of insurance as may be necessary.		
8.4.13	Authority to vary mortgage interest rates in line with rates set by the Secretary of State for the Environment under the provisions of Section 438 and Schedule 16 of the Local Government and Housing Act 1989.		CFO

8.4 Ref	<b>GENERAL – RESOURCES AND EFFICIENCIES</b> <b>Financial Services</b>	Portfolio holder	Head of Service
8.4.14	Authority to approve applications for discretionary business rates relief in accordance with Council policy up to a maximum in the case of any one item, subject to the submission of twice yearly information reports listing the awards approved.	£25k limit with two other PH acting as a Panel, subject to max to single org £50k	CFO £2k limit in respect of the net cost to the Council in that year (i.e. after taking into account the proportion of cost borne by the National Non-Domestic Rating Pool.
8.4.15	Authority to approve grant applications in accordance with Council policy up to a maximum in the case of any one item, subject to the submission of twice yearly information reports listing the awards approved.	£25k with two other PH acting as a Panel, subject to max to single org £50k	CFO £2k limit
8.4.16	Authority to determine the award of mandatory rural rate relief in respect of properties qualifying for relief under Section 43 of the Local Government Finance Act 1988 (as amended).		CFO
8.4.17	Authority to appoint consultants to act in respect of rating revaluations of corporate properties where non-domestic rates are paid by the Council, subject to being within Service/Division budget or self-financing.		CFO
8.4.18	Authority to administer car loans and leases within Council policy.		CFO
8.4.19	Authority to award Council Tax and Housing Benefits and administer scheme in accordance with legislation and Council policy.		CFO
8.4.20	Authority to maintain/amend on approved list of institutions for investment purposes, subject to inclusion in HCC list of approved institutions and having a rating of F1 or better from Fitch IBCA or similar.	✓	
8.5 Ref	<b>GENERAL – RESOURCES AND EFFICIENCIES</b> <b>Value for Money and Efficiencies</b>	Portfolio holder	Head of Service
8.5.1	Development of the corporate performance management system.	Approval	

8.6 Ref	<b>GENERAL – RESOURCES AND EFFICIENCIES</b>	Portfolio holder	Head of Service
8.6.1	To take the lead for matters in connection with emergency planning, business continuity and community resilience.		CPPO

## 9. AUDIT

Ref	<b>AUDIT COMMITTEE</b>	Comments
9.1	Review of all major service contracts and all capital works contracts with a value in excess of £250,000 entered into by the Council, together with such other contracts as shall be determined from time to time by the Committee. Also review of major variations to such contracts.	
9.2	Reviewing the operation of the Internal Audit Section, reviewing the Internal Audit Annual Letter, approving the annual Internal Audit plan, reviewing the work of Internal Audit and receiving all Internal Audit Reports.	
9.3	Receiving the annual report of the External Auditors and such on-going reports as the Committee shall require from time to time.	
9.4	Performance review of all Committee functions and services with particular regard to Audit Commission performance standards.	
9.5	Receiving reports on any proceedings instituted against the Council which are likely to result in claims in excess of £10,000.	

## 10. LICENSING AND REGULATORY COMMITTEE

Ref	<b>SPECIFIC – LICENSING AND REGULATORY COMMITTEE</b>	Comments
10.1	Taxi, gaming, and licensing and registration functions as set out in Schedule 1B to the Functions Regulations 2000 as amended by the Local Authorities (Functions and Responsibilities) (Amendment No. 3) (England) Regulations 2004.	
10.2	Health and Safety At Work functions as set out in Schedule 1C to the Functions Regulations 2000 (as amended).	
10.3	Functions relating to elections as set out in Schedule 1D to the Functions Regulations 2000 (as amended).	
10.4	Functions relating to local government pensions as set out in Schedule 1H1 to the Functions Regulations 2000 (as amended).	
10.5	The appointment of any individual to outside bodies in connection with non-executive functions.	
10.6	Functions relating to alcohol consumption in designated public places as set out in Schedule 1B to the Functions Regulations 2000 as amended.	
10.7	All licensing functions under the Licensing Act 2003 except for functions conferred by Section 5 of the Act (Statement of Licensing Policy).	
10.8	Functions relating to premises licences, notices, permits and fees under the Gambling Act 2005 and	

Ref	<b>SPECIFIC – LICENSING AND REGULATORY COMMITTEE</b>	Comments
	Regulations.	
10.9	Functions relating to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 (sex cinemas, sex shops and sexual entertainment venues).	

## 11. PLANNING COMMITTEES

11 Ref	<b>PLANNING (DEVELOPMENT CONTROL) COMMITTEES</b>	Comments
11.1	All Town and Country Planning and Development Control functions listed in Schedule 1A to the Functions Regulations 2000.	
11.2	Authority to determine applications for tree work under Part VIII of the Town and Country Planning Act 1990	
11.3	Authority to make and confirm Tree Preservation Orders	
11.4	Authority to issue Hedgerow Retention Notices and Consents to Remove where appropriate in accordance with the Hedgerow Regulations 1997	
11.5	To make recommendations to Cabinet on the preparation of the Development Plan.	

## 12. COMMUNITY HEALTH COMMITTEE

12. Ref	<b>SPECIFIC – COMMUNITY HEALTH COMMITTEE</b>	Comments
12.1	To act as a local forum for Councillors, healthcare bodies, users and carers and other interested groups in reviewing the quality, effectiveness, achievement of actions and targets and long term objectives of all NHS commissioners and providers for St Albans City and District.	
12.2	To make representations to those NHS bodies to ensure that they make all reasonable efforts to provide equality of access to health services and equality of benefit to patients across the District.	
12.3	To help to develop residents' understanding of the local health services and to seek to ensure that issues of concern to local residents of St Albans City and District regarding health matters are communicated within the community and to appropriate NHS commissioners and providers serving the District.	
12.4	To assess any proposed changes to local health service provision in the area and their likely impact on the local community and service users within St Albans City and District.	
12.5	To advise the relevant District Council Portfolio Holder on policy developments affecting local health services.	
12.6	To act as the District Council's first point of contact and consultee on matters under consideration by the County Health Scrutiny Committee and NHS Hertfordshire, including reviewing proposed changes to local service provision and assessing the impact on the local community and service users where services are accessed outside St Albans City and District.	

12. Ref	<b>SPECIFIC – COMMUNITY HEALTH COMMITTEE</b>	Comments
12.7	To review the services of the District Council as they impact on health matters in the District.	
12.8	To promote the work of the Committee to the local community through the website, local press and other communications channels.	

**13. APPEALS COMMITTEE**

13 Ref	<b>SPECIFIC - APPEALS COMMITTEES</b>	Comments
13.1	Appeals against decisions of the Head of Housing in respect of allocations or transfers of Council accommodation.	
13.2	Appeals against the decision of Officers in pursuit of Council policy where such decision, if implemented, would result in the suspension of a market letting where such suspension would result from unauthorised or unexplained absenteeism and appeals against termination of market lettings either for persistent breaches of market regulations or in respect of the Council's policy on long term absence through sickness.	
13.3	Appeals in respect of disciplinary action, individual grievances or against grading decisions by Council staff.	
13.4	Applications for grant, renewal or variation of sex establishment licences where objections have been received.	
13.5	Applications for the grant of amusement with prizes permits to which there are objections and applications for renewal where an authorised representative of the Council has been refused reasonable facilities to inspect the premises.	

**14. JOINT ARRANGEMENTS**

14	<b>WEST HERTFORDSHIRE CREMATORIUM JOINT COMMITTEE</b>	Comments
	To manage and operate joint arrangements with Dacorum, Hertsmere, Three Rivers and Watford Councils to operate a crematorium at Garston, Hertfordshire. The Council nominates a Member of Cabinet to serve on the Joint Management Committee.	

**15. JOINT ARRANGEMENTS**

15	<b>BRICKET WOOD COMMON JOINT MANAGEMENT COMMITTEE</b>	Comments
	Administration of common land in accordance with a scheme of management. The Council appoints two representatives to serve on the Joint Management Committee with representatives of St. Stephen Parish Council.	

**16. JOINT ARRANGEMENTS**

16	<b>NOMANSLAND COMMON JOINT MANAGEMENT COMMITTEE</b>	Comments
	Administration of common land in accordance with a scheme of management. The Council appoints three representatives to serve on the Joint Management Committee with representatives of Sandridge and Wheathampstead Parish Councils.	

**APPENDIX 1**

**PLANNING SCHEME OF DELEGATION TO OFFICERS**

The making of decisions or representations on all planning and other applications falling to be considered by the District, as Local Planning Authority, are delegated to the Head of Planning and Building Control/Development Manager.

1. All decisions initially are delegated, as per the current scheme which includes all types of application submitted under the Town and Country Planning Act 1990, the Planning (Listed Building and Conservation Areas) Act 1990 and all related legislation. The Scheme shall include all applications for Certificate of Lawfulness, Breach of Condition Notices, Planning Contravention Notices, and prior approval (excluding telecommunication apparatus where objections have been received). For applications involving prior approval (telecommunication apparatus), where a third party objection has been received, such applications shall be given priority over other applications and shall be reported to the relevant area Planning Committee for decision.

2. The District Councillor call-in procedure is maintained, but subject to the following criteria:

21 day strict deadline (no deviation)

All call-ins to be in writing (e-mail/fax/letter)

All call-ins to be conditional (i.e. dependent upon whether the officer recommendation is either for grant or for refusal) with reference to the reasons for call-in and relevant development plan policies.

The reason for call-in shall be provided and included in the Committee report. (Officers shall assist a Member when informed of a call-in by identifying the relevant material planning consideration(s) for the call-in and contained within the Council's policies in the District Local Plan. Where call-in specifies that approval must be a committee decision, the relevant material planning considerations, and if possible applicable policies in the District Plan, should be included. Members shall be provided with electronic and paper copies of a standard call-in form to assist in identifying these material considerations and policy numbers, but failure to use the standard form will not invalidate the call-in.)

3. A system shall be introduced whereby District Councillors and Parish/Town Councillors can request information on an application or request that a concern directly relevant to an application be examined, such applications to be referred to as "Flag Cases". Where a "Flag Case" application is taken to committee, the report to committee shall specifically address the concern raised. The "Flag Case" system shall continue until all officer reports are viewable on-line via the Planning pages on the Council's website.

4. Following determination under the Scheme of Delegation, the District Councillors and Parish/Town Councils shall be sent a copy of the officer's delegated report which will specifically address the concern expressed.

5. All SADC applications and applications submitted by Members and officers of the Council are to be reported to Committee – to ensure probity of procedure.
6. All applications considered by the Head of Planning and Building Control / Development Manager to be of significant public interest, or which would have a significant impact on the environment, shall be determined by Committee.
7. All other applications shall be determined under delegated powers.

Decisions concerning the receipt and acceptance of amended plans shall be as follows:

- a. Current (live) applications:
  - (i) Amended plans making significant or material changes to schemes which have been deposited but not yet determined, and which have been the subject of public consultation, shall not be accepted, and a new application will be required.
  - (ii) That in all cases, amended plans received after the Committee report is written, or after 2 weeks before the date of the relevant committee, whichever is later, shall not be considered at that meeting.
- b. Applications no longer current (live):
  - (i) Amended plans making minor changes to schemes previously considered under the Scheme of Delegation to Officers, shall continue to be dealt with under the Scheme of Delegation.
  - (ii) That in all other cases, the Head of Planning and Building Control shall use his discretion and report those minor amendments relating to contentious schemes to Committee for consideration and decision. Amended plans making significant or material changes shall not be accepted and a new application will be required.

## **ENFORCEMENT PROTOCOL**

1. Officers draft enforcement report setting out expediency test.
2. Copies sent to Portfolio Holder and Ward Members.
3. Portfolio Holder and/or Ward Members have 5 working days to call in report to next Development Control Committee giving reasons why it is not expedient to take action and/or the requirements are inappropriate or insufficiently widely drawn and/or why the period for compliance is too long/short.

NOTE: Some of this can be dealt with via email if the changes requested are of a minor nature or are in need of clarification/justification.

4. Publish in the Members Information Bulletin a quarterly report on the Planning Enforcement Service.

**TREE PRESERVATION ORDER PROTOCOL**

1. Officers send a copy of the unopposed TPO with a covering letter/email to the Portfolio Holder for Planning and Conservation, Ward Councillors and members of the appropriate Planning (Development Control) Committee.
2. The Portfolio Holder and Ward Councillors have 5 working days to call in the unopposed TPO and set out the reason(s) why the Order should not be confirmed. Any call in request should be sent to HPBC.
3. If no call in is received HPBC may confirm the unopposed TPO. If the unopposed TPO is called in, HPBC will submit a report on the call in to the next meeting of the appropriate Planning (Development Control) Committee setting out why, in his/her view, the TPO should be confirmed.

**Table of Delegated Functions**

		Column 1	Column 2
<b>Matters to be Dealt With</b>	<b>Licensing and Regulatory Committee</b>	<b>Licensing Sub Committee</b>	<b>Officers – Head of Legal, Democratic &amp; Regulatory Services and Principal Licensing Officer</b>
<b>Application for personal licence</b>		<b>If a police objection</b>	<b>If no objection</b>
<b>Application for personal licence, with unspent convictions</b>		<b>All cases</b>	
<b>Application for premises licence/club premises certificate</b>		<b>If a relevant representation</b>	<b>If no relevant representation</b>
<b>Application for provisional statement</b>		<b>If a relevant representation</b>	<b>If no relevant representation</b>
<b>Application to vary premises licence/club premises certificate</b>		<b>If a relevant representation</b>	<b>If no relevant representation</b>
<b>Application to vary designated premises supervisor</b>		<b>If a police objection</b>	<b>All other cases</b>
<b>Request to be removed as designated premises supervisor</b>			<b>All cases</b>
<b>Application for transfer of premises licence</b>		<b>If a police objection</b>	<b>All other cases</b>
<b>Application for Interim Authorities</b>		<b>If a police objection</b>	<b>All other cases</b>
<b>Application to review premises licence/club premises registration</b>		<b>All cases</b>	
<b>Decision on whether a complaint is irrelevant, frivolous, vexatious etc</b>			<b>All cases</b>
<b>Decision to object when local authority is a consultee and not relevant authority considering the application</b>		<b>All cases</b>	
<b>Determination of a police objection to a temporary event notice</b>		<b>All cases</b>	