

**Scheme  
of  
Delegation**

## **SCHEME OF DELEGATION**

### **1. INTRODUCTION**

- 1.1 The need for rapid decision making and the efficient delivery of services to the public in a wide range of matters means that it is not possible for elected Council members to become directly involved in the detail of all decisions. Accordingly it is necessary for the proper management and delivery of services to delegate decision making for many matters to officers. This document and the attached tables form the Scheme of Delegation of St Albans City and District Council and are collectively referred to as “the Scheme”.
- 1.2 The Council comprises fifty-eight elected members. It is a corporate body in that the Councillors collectively form the legal entity known as St Albans City and District Council. The Local Government Act 2000 placed responsibility for most decision making on the Cabinet. The Council as a whole mainly decides key strategic matters such as the major policy framework, approval of the annual budget, but through its committees it is also responsible for regulatory activities such as planning and licensing.
- 1.3 The Council may delegate its authority to take decisions in respect of the matters it is responsible for, not only to the Cabinet, committees and sub committees but also to officers to undertake duties and tasks on its behalf. The powers and functions of the Council are known as “non-executive functions”.
- 1.4 The great majority of the Council’s decision making powers can only be carried out by or through the Leader or the Cabinet. The Cabinet comprises the Leader who is appointed by the Council to act as Leader of the Council and up to nine other members who are appointed by the Leader. These members have the overview and responsibility for a particular group or “portfolio” of services. Accordingly each of the Cabinet members is known as a “Portfolio holder” for those services. Responsibility for adding to and amending the Table of Delegated Functions for executive matters lies with the Leader who will then decide whether to delegate executive powers to Cabinet, individual Cabinet Members or officers. The powers and functions exercised by the Leader, Cabinet and Portfolio holders are known as “executive functions” and the decision making powers in respect of executive functions can be delegated to officers.
- 1.5 This Scheme of Delegation should be read in conjunction with the service plans of the Council’s departments. These set out the general priorities for the Council’s activities and are agreed by the Council on an annual basis. Heads of Service are delegated to carry out the activities described in the service plans with overview by the Council being carried out through its performance management and budget monitoring framework.
- 1.6 All delegated powers are derived from the Council, the Leader or the Cabinet. In the attached tables (unless otherwise indicated) the Scheme sets out the allocation of both executive and non-executive functions to officers. The main delegations are to the Chief Executive, Heads of Service and officers authorised to carry out specific functions which are defined below.

1.7 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.

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

1.9 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.
- (d) In relation to the day to day conduct of decision making by the Council, the Monitoring Officer's ruling on questions relating to the interpretation of the Scheme of Delegation shall be final.

## **2 CABINET**

The following executive functions are the responsibility of 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 any matter not specifically reserved or delegated elsewhere under the Council's policy and budget framework.
- (f) Reviewing the Council's Standing Orders and Financial Regulations and making recommendations to Council.
- (g) Reviewing the Council's Constitution and Scheme of Delegation and making recommendations to Council.
- (h) Appointments to and liaison with outside bodies not within the province of other committees.
- (i) Receiving reports from the annual/bi-annual conference between the District, Town and Parish Councils.
- (j) In consultation with the Planning Policy Committee to prepare the Local 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 Local Plan.
- (k) To determine through appropriate consultative procedures health and safety policies for the Council.
- (l) 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.
- (m) 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 providing guidance and decision making 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 in a register. 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 (as defined in Article 13.03(b) of Part 2 of the Constitution above) 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 Monitoring Officer. 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 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 Deputy Chief Executive (Finance and Legal).

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.

**Key**

1. ✓ – taken from Terms of Reference/Scheme of Delegation
2. ✓ amended – as above but amended to reflect changed service definitions or increased financial limits etc
3. PH – Portfolio Holder
4. CEX – Chief Executive
5. HoS – Head of Service
6. HPBC – Head of Planning and Building Control
7. StC – Solicitor to the Council
8. DCE(FL) – Deputy Chief Executive (Finance and Legal)
9. HOCS – Head of Corporate Services
10. HH – Head of Housing
11. HCS – Head of Community Services
12. DCE(CD) – Deputy Chief Executive (Commercial and Development)

## ST ALBANS CITY AND DISTRICT COUNCIL

## DECISION REGISTER

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>								

<b>REASON/S FOR THE DECISION</b>			
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>			
<b>OTHER OPTIONS CONSIDERED:</b>		<b>REASONS FOR REJECTING THESE OPTIONS</b>	
1.			
2.			
3.			
<b>CONSULTEES</b>			
In making this decision, I have consulted the following people:			
<b>Name and Signature</b>	<b>Position</b>	<b>Date of consultation</b>	<b>Outcome of consultation (may cross reference to supplementary/backg round sheets)</b>
<b>LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985</b>			
<b>Bibliography</b>	<b>Custodian</b>	<b>File location</b>	

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.

**TABLE OF DELEGATED FUNCTIONS**

<b>Ref</b>	<b>CHIEF EXECUTIVE/HEAD OF PAID SERVICE</b>	<b>Comment</b>
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.	
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
HoPS5	Authority to represent the Council on partnership and external bodies.	

<b>Ref</b>	<b>LEADER</b>
L1	Where a function is delegated to a Portfolio Holder, the Leader may, in the absence of that Portfolio Holder, exercise the function. Where a function is delegated to an officer in consultation with a Portfolio Holder, that officer may, in the absence of the Portfolio Holder, consult the Leader instead.

## Employment Procedure Rules in the Constitution

Employment Procedure Rules – pages Q1-Q4 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, Deputy Chief Executive (Finance and Legal) and other Heads of Service).	To be retained within the remit of CEX
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<b>Ref</b>	<b>HEADS OF SERVICE</b>	<b>Comment</b>
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.

Ref	HEADS OF SERVICE	Comment
HoS3	Appointment of staff below Heads of Service level; similarly, suspension for misconduct and termination of employees' contracts of employment within 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 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 Corporate Services 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 Corporate Services as appropriate.	
HoS15	Approval of leave e.g. annual, special, in line with 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 Corporate Services, 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 Deputy Chief Executive (Finance and Legal) or his nominee, in consultation with the Portfolio Holder for Sport and Culture and the Portfolio Holder for Resources be authorised to approve applications for funding from S106 employment related funds up to £25,000.	
HoS20	For the Head of Community Services, overall responsibility for ensuring that the Council maintains safe working conditions and safe practices in the provision of its services.	
HoS21	For the Chief Executive, 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.	

Ref	HEADS OF SERVICE		Comment
HoS22	To contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994 or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles.		
HoS23	Authority to approve the settlement of claims against the Council. (Portfolio Holder to be consulted where the claim, including legal costs, is for greater than £25,000 and the outcome to be reported to Cabinet.)		

Ref	<u>ALL STAFF</u>		
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 PORTFOLIO

1.1 Ref	GENERAL – PLANNING	Portfolio holder	Head of Service
1.1.1	Recommendations on overall town and country planning policy, including the preparation of the Authorities Local 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	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 they continue to play an important role in the environment for future generations.		HPBC

1.2 Ref	SPECIFIC – PLANNING	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 Ref	<b>SPECIFIC – PLANNING</b>	Portfolio holder	Head of Service
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 respond to consultations received in connection with the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994.		HPBC
1.2.10	Authority, in consultation with the Deputy Chief Executive (Finance & Legal), to set and fix the level of Building Control charges utilising the LGA Model Fee Scheme.		HPBC
1.2.11	Determination of applications under Section 17 of the Land Compensation Act 1961 for Certificates of Appropriate Alternative Development.		HPBC
1.2.12	To respond to consultations from adjoining Local Planning Authorities on development proposals within their area of a minor nature.		HPBC
1.2.13	Authority to determine applications for “prior approval” of Agricultural and Forestry Buildings in accordance with Part 6 and Part 7 of Schedule Two of the Town and Country Planning and General Development Order 1995 (as amended) and any order re-enacting or revoking that Order.		HPBC
1.2.14	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 1995 (as amended) and any order re-enacting or revoking that Order.		HPBC
1.2.15	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 1995 (as amended) and any order re-enacting or revoking that Order.		HPBC
1.2.16	<p>Authority to determine applications for ‘prior approval’ in connection with development regarding:</p> <ul style="list-style-type: none"> <li>- Amendments in relation to home extensions</li> <li>- Amendments in relation to minor operations</li> <li>- Amendments in relation to change of use</li> <li>- Class J – Development consisting of a change of use of a building and any land within its curtilage to use falling within Class C3 (Dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1(a) (offices) of that Schedule.</li> <li>- Class K – Development consisting of a change of use of a building and any land within its curtilage to use as a state-funded school from a use falling within Class B1 (business), C1 (hotels) C2 (residential institutions) C2A (secure residential institutions) and D2 (assembly and leisure) of the Schedule to the Use Classes Order.</li> <li>- Class L – Development consisting of a change of use from a use permitted by Class K to the previous lawful use of the land.</li> </ul>		

1.2 Ref	<b>SPECIFIC – PLANNING</b>	Portfolio holder	Head of Service
	<p>- Class M – Development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a flexible use falling within either Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business), Class B8 (storage or distribution), Class C1 (hotels) or Class D2 (Assembly and leisure) of the schedule to the Use Classes Order.</p> <p>As defined under the Town and Country Planning (General Permitted Development (Amendment) (England) Order 2013 and any Order re-enacting or revoking that Order.</p>		
1.2.17	Authority, in consultation with the Solicitor to the Council, 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 Solicitor to the Council, 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 Solicitor to the Council 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 4(2) of the Town and Country Planning General Development Management Procedure Order 2010 and Regulation 4(a) of the Town and Country Planning (Applications) Regulations 1988 (as amended), and by any Order or Regulations revoking or re-enacting that Order or Regulation, 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 Solicitor to the Council, 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 Act 1990.		HPBC

1.2 Ref	<b>SPECIFIC – PLANNING</b>	Portfolio holder	Head of Service
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 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
1.2.39	Community Leadership, including the Community Strategy and relations with the Local Strategic Partnership.	✓	
1.2.40	Matters in connection with Public Relations		CEX
1.2.41	To take the lead in relations with Hertfordshire County Council, Town and Parish Councils and other public sector bodies.	✓	
1.2.42	To prepare, regularly update, publish and consult on a draft 'Brownfield Land Register' (Parts 1 and 2) and to approve Part 1 only, under the Town and Country Planning Act 1990 and Planning and Compulsory Purchase Act 2004.		HPBC
1.2.43	Matters affecting gypsy encampments.		HCS

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/or appropriate Ward Members for the matter to be considered at the next Planning (Development Control) Committee meeting.

**2. ENVIRONMENTAL PORTFOLIO**

2.1 Ref	<b>GENERAL – ENVIRONMENTAL Promotion of Environmental Sustainability of Council Services and Organisation</b>	Portfolio holder	Head of Service
2.1.1	The promotion of environmental sustainability of Council services and organisation (including work on carbon emissions) through the Environmental Management and Audit Scheme for Local Government.		HCS
2.1.2	Overseeing the monitoring and policy formulation in relation to the overall Environmental System.	✓	
2.1.3	Consider the significance of environmental issues for the authority, including new and potential legislation and reports on local, national and global environmental topics.		CEX
2.1.4	Initiate proposals for the new environmental activities to be implemented by the authority and the review of current initiatives.		CEX
2.1.5	To consider and approve policies, programmes and audit reports relating to the environment and sustainability.	✓	
2.2 Ref	<b>GENERAL – ENVIRONMENTAL Waste collection, recycling and cleaning</b>	Portfolio holder	Head of Service
2.2.1	Refuse and recycling collections, street and other environmental cleansing.		HCS
2.2.2	The protection and enhancement of the environment of the City and District, including matters related to sustainability.		HCS
2.2.3	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
2.3 Ref	<b>GENERAL – ENVIRONMENTAL Health and safety</b>	Portfolio holder	Head of Service
2.3.1	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.		HCS
2.3.2	Matters affecting the health, safety and protection of the inhabitants of the District, including elderly and disabled persons.	✓	
2.3.3	Authority to appoint inspectors under Section 19 of the Health and Safety at Work Act 1974.		HCS

2.3 Ref	<b>GENERAL – ENVIRONMENTAL Health and safety</b>	Portfolio holder	Head of Service
2.3.4	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.		HCS
2.3.5	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.		HCS
2.3.6	The protection and enhancement of the environment of the City and District, including matters related to air quality, defective drainage and environmental pollution.		HCS
2.3.7	Authority to act on behalf of the Council in respect of the Land Drainage Act 1991 and the Flood and Water Management Act 2010.		DCE(CD)

2.4 Ref	<b>GENERAL – ENVIRONMENTAL Various</b>	Portfolio holder	Head of Service
2.4.1	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
2.4.2	Authority to act in all matters relating to the management of allotments.		HCS
2.4.3	The exercise of the Council's powers and duties found in Part IIA of the Environmental Protection Act 1990 relating to contaminated land.		HCS
2.4.4	The protection and enhancement of the environment of the City and District, including matters related to noise control and noxious accumulations.		HCS
2.4.5	The exercise of the provisions set out in the Clean Neighbourhoods and Environment Act 2005 generally, and in particular, Sections 3-9, 10-17, 18-19, 20-22, 23, 24-27, 28-34, 40-46, 47-53, 55-67, 69-81, 82-86, 99-100, 101-103 and 105.		HCS
2.4.6	To establish or review appropriate forums for the organisation and management of areas of public open space.	✓	
2.4.7	To specify, let, manage and monitor the Council's grounds maintenance contracts and waste (etc) contract to ensure that a continued level of effective management and high quality of service is provided.		HCS
2.4.8	Authority to act, where appropriate, as the Supervising Officer for both the "Contract for the provision of Grounds Maintenance Services" and the "Contract for Refuse Collection, Recycling, Street Cleaning & management of the materials recycling facility".		HCS
2.4.9	To take the lead on investigation of and enforcement action against fly tipping. General Enforcement Officers, Environmental Compliance Officers and Environmental and Business Compliance Managers		HCS

2.4 Ref	<b>GENERAL – ENVIRONMENTAL Various</b>	Portfolio holder	Head of Service
	will be authorised to serve Fixed Penalty Notices, under The Environmental Protection Act 1990 (as amended), following consultation and approval from an officer senior to them.		
2.4.10	Authority to determine chimney heights under the Clean Air legislation.		HCS
2.4.11	Authority to remove abandoned vehicles obstructing the public highway under Section 3(5) and 4(1) of the Refuse Disposal (Amenity) Act 1978, and under Sections 99-103 of the Road Traffic Regulation Act 1984.		HCS
2.4.12	Provision of finance and District Council representation on the Bricket Wood Common Management Committee and the Nomansland Common Management Committee.	✓	

### 3. SPORTS AND CULTURE PORTFOLIO

3.1 Ref	<b>GENERAL – SPORTS AND CULTURE Museums</b>	Portfolio holder	Head of Service
3.1.1	To collect and preserve the cultural and natural artefacts of the City and District and to provide public access to these.		DCE(CD)
3.1.2	To formulate and implement policies for the preservation and enhancement of the local heritage and environment.		DCE(CD)
3.1.3	To attract support from the National Lottery, the private sector, Government grant-aid and other forms of income generation.		DCE(CD)
3.1.4	Authority to dispose of museums items not relevant or surplus to the City and District Council's requirements.		DCE(CD)

3.2 Ref	<b>GENERAL – SPORTS AND CULTURE Arts</b>	Portfolio Holder	Head of Service
3.2.1	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.	DCE(CD)
3.2.2	To ensure good quality and affordable theatre and cinema facilities throughout the City and District.		DCE(CD)
3.2.3	Management of the Maltings Arts Theatre including authority to vary the prices charged.		DCE(CD) in consultation with PH

3.3 Ref	<b>GENERAL – SPORTS AND CULTURE Leisure</b>	Portfolio holder	Head of Service
3.3.1	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.		DCE(CD)
3.3.2	To consult with and inform residents and visitors about the District's leisure facilities, activities and events, using all appropriate means.		DCE(CD)
3.3.3	To respond to identified needs and form appropriate partnerships, to develop new and enhance existing facilities and services.		DCE(CD)
3.3.4	To specify, let, manage and monitor the Council's leisure contracts to ensure that a continued level of effective management and high quality of service is provided.		DCE(CD)
3.3.5	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.		DCE(CD)
3.3.6	Authority to take decisions on the use of accommodation where precedent has been established.		DCE(CD)
3.3.7	Authority to act, where appropriate, as the Supervising Officer for the "Contract for Management of Leisure Related Facilities and Services".		DCE(CD)
3.3.8	Authority to agree level of charges for leisure and arts facilities in consultation with the Portfolio Holder for Sports and Culture.		DCE(CD)
3.3.9	Matters in connection with Town Twinning		CEX
3.3.10	Fostering mechanisms for involving and consulting with the youth of the District.	✓	

#### **4 HOUSING AND INCLUSION PORTFOLIO**

4.1 Ref	<b>GENERAL – HOUSING AND INCLUSION</b>	Portfolio holder	Head of Service
4.1.1	All matters relating to the occupation of individual Council-owned properties, including special hardship situations.		HH
4.1.2	Activities in the private housing sector, including houses in multiple occupation, unfit housing, mobile home sites, empty properties and improvement areas.		HH
4.1.3	To establish effective forums for liaison with other housing and voluntary organisations such as Housing and Residents Associations.		HH
4.1.4	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
4.1.5	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
4.1.6	To generally encourage tenant involvement in the running of the Council's housing estates.		HH
4.1.7	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 Ref	<b>GENERAL – HOUSING AND INCLUSION</b>	Portfolio holder	Head of Service
4.1.8	To seek the views of tenant representatives concerning the management, repair, improvement and development of mobile home sites prior to decisions being taken.		HH
4.1.9	To generally encourage tenant involvement in the running of the Council's mobile home sites.		HH
4.1.10	Approval of future Homelessness Strategies, following consideration of any comments received from the appropriate Scrutiny Committee.		HH in consultation with PH

4.2 Ref	<b>SPECIFIC – HOUSING AND INCLUSION</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. <ul style="list-style-type: none"> <li>• Management matters including the approval of applications to take in lodgers, for mutual exchanges and transfers and for the approval of installation of equipment in Council dwellings;</li> <li>• Minor changes, not requiring consultation;</li> <li>• Changes caused by new legislation, to be included within the Housing Allocations Policy to be made by the Head of Housing in consultation with and approved by the Housing Portfolio Holder;</li> <li>• Major changes, requiring consultation, to be approved by Cabinet, subject to the views of the relevant Scrutiny Committee.</li> </ul>		HH
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		HH



4.2 Ref	<b>SPECIFIC – HOUSING AND INCLUSION</b>	Portfolio holder	Head of Service
	- to enter into grant agreements with the Homes and Communities Agency (or any successor body).		HH in consultation with PH
	Matters in connection with		
4.2.22	- Housing and Council Tax Benefits		HH
4.2.23	- Benefit Fraud Investigation		HH
4.2.24	- Elections		Returning Officer
4.2.25	- Electoral Registration		Electoral Registration Officer
4.2.26	- Democratic Services (including Members' Allowances and Expenses) and Mayoralty		CEX
4.2.27	Property and asset maintenance (housing assets only)		HH
4.2.28	Matters relating to the enforcement of legislation in respect of private sector housing concerning the safety and state of the property, nuisance, pests, drainage and defects. To include inspection of the property and service of notices (including notices requiring information), works in default and recovery of costs.		HH
4.2.29	Matters relating to private caravan/mobile home sites under the Caravan Sites and Control of Development Act 1960, Caravan Sites Act 1968 & Mobile Homes Act 2013.		HH

4.3 Ref	<b>GENERAL – HOUSING AND INCLUSION Inclusion and Equalities</b>	Portfolio holder	Head of Service
4.3.1	Formulation of equality policies for ratification by Cabinet as required by the Equality Act 2010.	✓	
4.3.2	To formulate, establish, monitor, review and promote all the Council's equality policies on a regular basis.	Approve	CEX Draft, consult,
4.3.3	To determine and implement the indicators to be used for monitoring and reviewing of the outcomes of all the Council's activities against the equality policies.	Monitor	CEX
4.3.4	To monitor and review if necessary the functioning of the grievance and complaints procedures insofar as the equality issues are concerned.	✓	
4.3.5	To exercise, promote and perform all powers and duties of the Council in relation to all matters concerned with its equal opportunity employment policies.		HOCS
4.3.6	To assist effective communications between the Council on the one hand and on the other interested groups, and individuals representing women, people with disabilities, and ethnic minorities, and other recognised disadvantaged groups within the District.		CEX
4.3.7	To ensure equality of access to the facilities being provided by the Council to all disadvantaged groups, wherever reasonably practicable.		CEX

4.3 Ref	<b>GENERAL – HOUSING AND INCLUSION Inclusion and Equalities</b>	Portfolio holder	Head of Service
4.3.8	To formulate, guide and keep under regular review by reference to establish performance indicators, the Council's strategies and policies in relation to the achievement of equality as required by the Equality Act 2010.		CEX minor. Where major, in consultation with PH
4.3.9	To encourage positive race relations.		CEX
4.3.10.	To vary Conditions of Service or employment procedures where necessary, to reflect the requirements of the Council's responsibilities under the Equality Act 2010.		HOCS
4.3.11	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>		CEX

## 5. BUSINESS AND COMMUNITY PORTFOLIO

5.1 Ref	<b>GENERAL – BUSINESS AND COMMUNITY</b>	Portfolio Holder	Head of Service
5.1.1	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
5.1.2	Authority to approve applications for the use of public areas for the purposes of filming and related activities.		DCE(CD)
5.1.3	Management of Visitor Information Centre.		DCE(CD)
	Matters in connection with		
5.1.4	- Community Safety	✓	
5.1.5	- Crime and Disorder	✓	
5.1.6	- Community protection, including Closed Circuit Television (CCTV)		CEX
5.1.7	- Land Charges.		DCE(CD)
5.1.8	All decisions required to be taken under the Anti-Social Behaviour, Crime and Policing Act 2014, including approval of Public Space Protection Orders and Community Protection Notices, to be delegated to the Chief Executive in consultation with the Portfolio Holder for Business and Community The ability to authorise officers in the Community Safety team to issue Fixed Penalty Notices (FPNs) in accordance with Public Space Protection Orders and Community Protection Orders to be delegated to the Chief Executive in consultation with the Portfolio Holder for Business and Community. The ability to		CEX

5.1 Ref	<b>GENERAL – BUSINESS AND COMMUNITY</b>	Portfolio Holder	Head of Service
	authorise officers in the Community Safety team to issue Community Protection Notices (CPNs) and Fixed Penalty Notices (FPNs) in accordance with CPNs to be delegated to the Chief Executive in consultation with the Portfolio Holder for Business and Community.		
5.1.9	To be responsible for car parking policy, maintenance and charges, including penalty charges, relating to the District.		HCS
5.1.10	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.		HCS
5.1.11	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	HCS
5.1.12	Authority to approve the making of temporary street closure orders under Section 21 of the Town Police Clauses Act 1847		DCE(CD)
5.1.13	To ensure the management, provision, upkeep, maintenance and continual improvement of Council cemeteries throughout the City and District.		HCS
5.1.14	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.		CEX
5.1.15	To take the lead for matters in connection with emergency planning, disaster recovery, business continuity and community resilience.		CEX
5.1.16	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		CEX

5.1 Ref	<b>GENERAL – BUSINESS AND COMMUNITY</b>	Portfolio Holder	Head of Service
	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		
5.1.17	Preparing plans for economic development and employment initiatives in consultation with local business and the community and approving expenditure on appropriate projects and programmes.		CEX
5.1.18	To encourage the continuation of existing festivals and the establishment of new ones.		HCS in consultation with PH
5.1.19	Authority to approve grant applications in accordance with Council policy up to the total amount of grant funding previously agreed by Council in the budget, without a maximum limit being applied to any single organisation, subject to the submission of twice yearly information reports to Cabinet listing the awards approved.	with two other PH acting as a Panel, up to the total amount of grant funding agreed by Council in the budget for any given year	CEX £5k limit in consultation with PH
5.1.20	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.	£2,001 – £25,000 – PH; £25,001 - £50,000 – PH with two other PH acting as a Panel, subject to max to single org £50k	DCE(FL) £5k limit in consultation with PH
5.1.21	To monitor the performance and satisfaction levels for St Albans residents in relation to the Highways Partnership.		HPBC
5.1.22	Residual matters in connection with Concessionary Fares. (This function was transferred to Hertfordshire County Council in April 2011.)		DCE(FL)
5.1.23	To establish or review appropriate forums for the organisation and management of the St Albans Festival.		HCS

5.2 Ref	<b>SPECIFIC – BUSINESS AND COMMUNITY</b>	Portfolio Holder	Officer
5.2.1	The undertaking of work in default of compliance with Notices.		StC
5.2.2	The instigation of legal proceedings for non-compliance with notices and offences against legislation.		StC
5.2.3	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.		DCE(FL)
5.2.4	Delegated powers for the purposes of the control of sex establishments and appointing authorised Officers for the purposes of control of such establishments.		HCS
5.2.5	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		HCS
5.2.6	Authority to make representations on behalf of the Council on the granting or renewal of Goods Vehicle Operators licences.		HCS
5.2.7	Authority to appoint testers to carry out tests on Hackney Carriages and Private Hire Vehicles preparatory to the issue of Certificates of Compliance.		HCS
5.2.8	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.		HCS
5.2.9	Authority to impose such conditions on Caravan Site Licences as may be reasonably necessary for the control of the sites (Planning).		HH
5.2.10	Authority to appoint inspectors under paragraph 2 of Schedule 2 of the Sunday Trading Act 1994		HCS
5.2.11	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.		HCS
5.2.12	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.		HCS
5.2.13	Authority to grant, refuse, renew, or revoke site licences and Collector Licences pursuant to sections 2, 4, 9 and 16 of the Scrap Metal Dealers Act 2013 and all associated decisions in respect of site collectors licences.		HCS
5.2.14	Delegated powers for the purposes of determining all matters relating to zoo licensing under the Zoo Licensing Act 1981, including setting and varying the level of fees and the inspection of zoos.		HCS

5.2 Ref	<b>SPECIFIC – BUSINESS AND COMMUNITY</b>	Portfolio Holder	Officer
5.2.15	<b>Delegated powers for the purposes of determining all matters relating to licensing functions under The Animal Welfare Act 2006 and The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 relating to the determination of licences and enforcement action.</b>		<b>HCS</b>
5.2.16	<b>Delegated powers for the purposes of determining appeals in relation to the rating scheme under The Animal Welfare Act 2006 and The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.</b>		<b>HCS</b>
5.3 Ref	<b>SPECIFIC – BUSINESS AND COMMUNITY Legal Services</b>	Portfolio Holder	Officer
5.3.1	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.		StC
5.3.2	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.		StC
5.3.3	The giving or serving of Notices required by any legislation or administrative function which is not otherwise delegated.		StC
5.3.4	The consideration of complaints about high hedges and the issue, withdrawal and relaxation of notices under sections 65 to 88 (Part 8) of the Anti-Social Behaviour Act 2003.		HCS
5.3.5	Approval of applications for House to House and Street Collection permits in accordance with the policy approved.		CEX
5.3.6	Authority, in consultation with the Portfolio holder to instigate prosecutions on behalf of the Council for breaches of the Protection from Eviction Act 1977.		StC
5.3.7	The service of Notices in respect of Tree Preservation Orders including the Notices under Section 330 of the Town and Country Planning Act 1990.		StC
5.3.8	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.		StC
5.3.9	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		StC
5.3.10	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.		StC

5.3 Ref	<b>SPECIFIC – BUSINESS AND COMMUNITY Legal Services</b>	Portfolio Holder	Officer
5.3.11	Commencement of legal action necessary as a matter of urgency to protect the Council's land ownership interests.		StC. To be reported to PH
5.3.12	Sealing of documents as provided for under Standing Order 32.		StC

5.4 Ref	<b>GENERAL – BUSINESS AND COMMUNITY Property and Asset Management</b>	Portfolio holder	Head of Service
5.4.1	To decide, in consultation with the Portfolio Holder for Business and Community, if a nominated asset is an asset of community value under the Localism Act 2011.		DCE(CD)

5.5 Ref	<b>GENERAL – BUSINESS AND COMMUNITY Various</b>	Portfolio holder	Head of Service
5.5.1	Street naming and numbering, after consultation with the Parish Council, where appropriate, and Ward representatives.		HPBC
5.5.2	Transport Subsidies including the Taxi voucher scheme.		HPBC
5.5.3	To be responsible for consultation on transportation and traffic management with Hertfordshire County Council.		HPBC
5.5.4	To establish and maintain good partnership links with Hertfordshire County Council with the aim of developing and implementing a sustainable local transport plan.		HPBC
5.5.5	Administration of markets.		HCS
5.5.6	Authority to make amendments regarding St Albans Market Christmas and New Year Trading.		HCS
5.5.7	Authority to make appropriate arrangements for the burial of deceased persons for whom no other burial arrangements can be made.		HCS

## **6. RESOURCES PORTFOLIO (including Human Resources, Customer Services, IT and Financial Services)**

6.1 Ref	<b>GENERAL – RESOURCES Human Resources</b>	Portfolio holder	Officer
6.1.1	To be responsible for the delivery and promotion of the Council's strategic aim 'to be a good employer'.	✓	HOCS
6.1.2	To ensure that the Council fully complies with all employment legislation and best practice guidance.		HOCS
6.1.3	To take actions to recruit and retain sufficient suitably qualified and motivated staff to enable the Council to deliver appropriate, quality services.		HOCS
6.1.4	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.		HOCS
6.1.5	Recommending to Cabinet any major changes in the staffing structure.		HOCS

6.2 Ref	<b>SPECIFIC – RESOURCES</b> <b>Human Resources</b>	Portfolio holder	Officer
6.2.1	On request from Head of Service, authorisation of expedited salary increments as provided within the National Scheme of Conditions of Service.		HOCS
6.2.2	Administration of Car Allowances scheme in conjunction with Payroll Services contractor.		HOCS
6.2.3	Implementation of National or Regional decisions on Conditions of Service of staff and employees.		HOCS
6.2.4	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.		HOCS
6.2.5	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	HOCS Lower of 10% or £3k – excluding on costs pa, per claim
6.2.6	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.		HOCS
6.2.7	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 Deputy Chief Executive (Finance and Legal) and the Portfolio Holder and within existing Service budget.  [Note: £25k – £100k total Cabinet, > £100k total Council]		HOCS £25k total (excluding compulsory redundancy)
6.2.8	Approval, following request from Head of Service or above, of early retirement on compassionate grounds, subject to consultation with the Deputy Chief Executive (Finance and Legal) and within existing Service budget.		HOCS £25k voluntary redundancy only
6.2.9	Approval of request from Head of Service for acting up allowances and similar e.g. honoraria in recognition of work done outside postholder's normal role, subject to being within Service/Division budget	✓ £10k per employee	HOCS lower of 10% or £3k exclusive of on-costs per annum, per claim
6.2.10	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	
6.2.11	Approval of closure on efficiency grounds for Christmas and other holidays, in consultation with Chief Executive.	1 day	½ day

6.2 Ref	<b>SPECIFIC – RESOURCES</b> <b>Human Resources</b>	Portfolio holder	Officer
6.2.12	Revision/updating existing procedures /policies to bring in line with legislation.		HOCS
6.2.13	Approval of new procedures to bring in line with legislation / best practice.		CEX
6.2.14	Approval, subject to medical advice, of early retirement on grounds of ill health, following consultation with Head of Service and Deputy Chief Executive (Finance and Legal) and within existing Service/Division budget.		HOCS
6.2.15	Day to day corporate employee relations and consultation with staff and recognised trade union.		HOCS
6.2.16	Approval of request from Head of Service for other special payments in recognition of needs of posts within existing policy.		HOCS

6.3 Ref	<b>GENERAL – RESOURCES</b> <b>Financial Services</b>	Portfolio holder	Head of Service
	Matters in connection with		
6.3.1	- Council Tax		DCE(FL)
6.3.2	- Business Rates		DCE(FL)
6.3.3	- Treasury Management		DCE(FL)
6.3.4	- Financial Services including allocations of expenditure, income and overheads		DCE(FL)
6.3.5	- Collection of Sundry Income		DCE(FL)
6.3.6	- Special Expenses Scheme		DCE(FL)
6.3.7	Authority to operate banking accounts.		DCE(FL)
6.3.8	Authority to sign indemnity in standard form in respect of losses arising from the use of printed signature cheques and other indemnities as appropriate.		DCE(FL)
6.3.9	Authority to write off individual unpaid debts (cumulative amount to one debtor must not exceed limits).	£25k limit	£10k DCE(FL) HoS £500 limit
6.3.10	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.		DCE(FL)
6.3.11	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.		DCE(FL)
6.3.12	Authority to make payment on accounts certified for payment by authorised Officers.		DCE(FL)
6.3.13	Authority to borrow from bank up to the prescribed overdraft limits.		DCE(FL)
6.3.14	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.		DCE(FL)
6.3.15	Authority to award Mandatory Rate Relief on behalf of the Council.		DCE(FL)

6.3 Ref	<b>GENERAL – RESOURCES</b> <b>Financial Services</b>	Portfolio holder	Head of Service
6.3.16	Authority to enter into valuation agreements on behalf of the Council.		DCE(FL)
6.3.17	Authority to take legal action to recover arrears in respect of Council Tax, Rates and Sundry Debts.		DCE(FL)
6.3.18	Authority to arrange the Council's insurance cover and manage all aspects of insurance as may be necessary.		DCE(FL)
6.3.19	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.		DCE(FL)
6.3.20	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).		DCE(FL)
6.3.21	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.		DCE(FL)
6.3.22	Authority to administer car loans and leases within Council policy.		DCE(FL)
6.3.23	Authority to award Council Tax and Housing Benefits and administer scheme in accordance with legislation and Council policy.		DCE(FL)
6.3.24	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.	✓	
6.3.25	Administration of all provisions relating to grants, loans or subsidies for any housing purpose.		HH
6.3.26	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 Deputy Chief Executive (Finance and Legal) and the Portfolio holder.		HH
6.4 Ref	<b>GENERAL – RESOURCES</b> <b>Value for Money and Efficiencies</b>	Portfolio holder	Head of Service
6.4.1	Development of the corporate performance management system.	Approval	
6.5 Ref	<b>GENERAL – RESOURCES</b> <b>Information Technology and Freedom of Information</b>	Portfolio holder	Head of Service
6.5.1	Matters in connection with Information Technology		HOCS
6.5.2	Approval of the Council's Publications Scheme under the Freedom of Information Act 2000 and any subsequent amendments		HOCS

6.6 Ref	<b>GENERAL – RESOURCES Various</b>	Portfolio holder	Head of Service
6.6.1	To monitor, liaise with and make representations to the statutory providers of primary and hospital health services on behalf of the Council.		CEX
6.6.2	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.		CEX
6.6.3	To work in partnership with statutory and voluntary organisations providing health services in the District and undertake joint initiatives.		CEX
6.6.4	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.		HCS
6.6.5	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.		CEX
6.6.6	Matters in connection with Civic Activities.		CEX
6.6.7	Authority to vary lettings charges at the District Council Offices.		DCE(CD)
6.6.8	To exercise responsibility for the Council's functions relating to health promotion and projects, including the development of appropriate consortium bids.		DCE(CD)

## **7. COMMERCIAL AND DEVELOPMENT**

7.1 Ref	<b>GENERAL – COMMERCIAL AND DEVELOPMENT Various</b>	Portfolio holder	Head of Service
7.1.1	Development of large capital projects (e.g. CCOS; Ridgeview; Harpenden leisure and cultural centres)		DCE(CD)
7.1.2	Commercial and development strategy		DCE(CD)
7.1.3	Delivery of social housing (e.g. Sandridge garage site)		DCE(CD)
7.1.4	Enterprise Zone Programme Board		DCE(CD)
7.1.5	Estate, buildings and facilities management		DCE(CD)
7.1.6	Green Triangle		DCE(CD)
7.1.7	Infrastructure and engineering		DCE(CD)

7.1 Ref	<b>GENERAL – COMMERCIAL AND DEVELOPMENT Various</b>	Portfolio holder	Head of Service
7.1.8	Landlord and tenant services (non-housing)		DCE(CD)
7.1.9	Procurement		DCE(CD)
7.1.10	Property and asset maintenance (non-housing)		DCE(CD)
7.1.11	Section 106 delivery		DCE(CD)
7.1.12	Valuations		DCE(CD)
7.1.13	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.		DCE(CD)

7.2 Ref	<b>GENERAL – COMMERCIAL AND DEVELOPMENT Property and Asset Management</b>	Portfolio holder	Head of Service
7.2.1	Determination of rents of new lettings of properties other than housing dwellings.		DCE(CD)
7.2.2	The agreement of revised rent for an existing lease.		DCE(CD). To be reported to PH
7.2.3	The approval of sub-lettings		DCE(CD)
7.2.4	Alterations and additions to corporate property subject to planning permission (if applicable) having first been obtained		DCE(CD)
7.2.5	Authority to grant easements, wayleaves or other licences to householders provided the use is for domestic purposes.		DCE(CD)
7.2.6	Authority to grant easements, wayleaves, and licences to Statutory Undertakers.		DCE(CD)
7.2.7	Authority to grant all other easements, wayleaves, and licences subject to the Portfolio holder being given 5 working days' notice (see also Ref. 5.4.14).		DCE(CD) in consultation with PH
7.2.8	Authority to agree terms of temporary licences for contractors' compounds.		DCE(CD)
7.2.9	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.		DCE(CD)
7.2.10	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.		DCE(CD)
7.2.11	Grant of a new lease or licence will be delegated to the Deputy Chief Executive (Commercial and Development). Where the grant of a new lease or licence involves the receipt of a premium, the financial limits specified in 5.4.22 shall apply.		DCE(CD)

7.2 Ref	<b>GENERAL – COMMERCIAL AND DEVELOPMENT Property and Asset Management</b>	Portfolio holder	Head of Service
7.2.12	Authority to renew existing lease or licence, where leaseholder/licensee has statutory rights to renewal.		DCE(CD)
7.2.13	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.		DCE(CD)
7.2.14	To enter into a lease/ licence with a third party landlord/ licensor subject to:  The agreement being for 5 years or less (10 years for Portfolio Holder approval) The agreement being at market rental or below.	PH in consultation with the Leader of the Council (up to annual rental of £100,000)	DCE(CD) in consultation with PH (up to annual rental of £25,000)
7.2.15	To agree to hold over under the terms of an existing lease or to enter into a temporary lease/licence/ tenancy at will with a third party landlord/ licensor subject to:  1a. Where it is necessary to enter into a temporary agreement with an existing landlord/licensor to effectively 'extend' an existing lease/licence the temporary lease/licence/tenancy at will should be on terms equal to or more favourable than the existing lease/licence or 1b. Where a temporary agreement is to be entered into with a new landlord/licensor, the total rental payable should not exceed £25,000 (£100,000 with Portfolio Holder and Leader of the Council approval) and 2. The term of the lease/licence/tenancy at will or period of holding over should not exceed 12 months, and 3. The Deputy Chief Executive (Finance and Legal) should be notified of any financial implications.		DCE(CD) in consultation with PH
7.2.16	Deeds of variation of leases, licences and conveyances/transfers.		DCE(CD)
7.2.17	Surrender of leases and licences.		DCE(CD)
7.2.18	Change of user clause in leases or licences of commercial property.		DCE(CD)
7.2.19	Rent rebate or rent concession where required for good estate management.	£8k limit	DCE(CD) £5k limit
7.2.20	Transfer / sale of land where Council is legally required to proceed.		DCE(CD)
7.2.21	Sale of property up to estimated value.	£100k limit	DCE(CD) £25k limit
7.2.22	Relaxation of restrictive covenants.		DCE(CD)
7.2.23	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	DCE(CD) £50k limit
7.2.24	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	DCE(CD) £25k limit
7.2.25	Approval of Asset Management Plan.	✓	
7.2.26	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.)		
7.2 Ref	<b>GENERAL – COMMERCIAL AND DEVELOPMENT Property and Asset Management</b>	Portfolio holder	Officer
7.2.27	To consider, in consultation with the Leader (or in his absence the Deputy Leader), any reviews of the original decision to list a nominated asset as an asset of community value under the Localism Act 2011.		Monitoring Officer

## 8. AUDIT

Ref	<b>AUDIT COMMITTEE</b>	Comments
8.1	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.	
8.2	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.	
8.3	Receiving the annual report of the External Auditors and such on-going reports as the Committee shall require from time to time.	
8.4	Performance review of all Committee functions and services with particular regard to Audit Commission performance standards.	
8.5	Receiving reports on any proceedings instituted against the Council which are likely to result in claims in excess of £10,000.	

## 9. LICENSING AND REGULATORY COMMITTEE

Ref	<b>SPECIFIC – LICENSING AND REGULATORY COMMITTEE</b>	Comments
9.1	Taxi, 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.	
9.2	Health and Safety At Work functions as set out in Schedule 1C to the Functions Regulations 2000 (as amended).	
9.3	Functions relating to elections as set out in Schedule 1D to the Functions Regulations 2000 (as amended).	
9.4	Functions relating to local government pensions as set out in Schedule 1H1 to the Functions Regulations 2000 (as amended).	
9.5	The appointment of any individual to outside bodies in connection with non-executive functions.	
9.6	Functions relating to alcohol consumption in designated public places as set out in Schedule 1B to the Functions Regulations 2000 as amended.	

Ref	<b>SPECIFIC – LICENSING AND REGULATORY COMMITTEE</b>	Comments
9.7	All licensing functions under the Licensing Act 2003 except for functions conferred by Section 5 of the Act (Statement of Licensing Policy) (see Appendix 2).	
9.8	Functions relating to premises licences, notices, permits and fees under the Gambling Act 2005 and Regulations <b>except for functions conferred by Section 349 of the Act (Statement of Principles) (see Appendix 3).</b>	
9.9	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).	

## **10. PLANNING COMMITTEES**

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

## **11. ST ALBANS DISTRICT HEALTH AND WELLBEING PARTNERSHIP**

Ref	<b>SPECIFIC – ST ALBANS DISTRICT HEALTH AND WELLBEING PARTNERSHIP</b>	Comments
11.1	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 the District Council and all other health and wellbeing commissioners and providers for the District.	
11.2	To make representations to the District Council Portfolio Holder or Cabinet, the District Strategic Partnership, the County Health and Wellbeing Board and the County Health Scrutiny Committee, and Government as appropriate.	
11.3	To facilitate wider partner and community engagement on health and wellbeing issues, including supporting the delivery of the Council's priorities.	
11.4	To help to develop residents' understanding of local health services and to seek to ensure that issues of concern to the District's residents regarding health and wellbeing matters are communicated within the community and to appropriate commissioners and providers serving the District.	
11.5	To assess any proposed changes to local health service provision in the area and their likely impact on the local community and service users across the District.	

Ref	<b>SPECIFIC – ST ALBANS DISTRICT HEALTH AND WELLBEING PARTNERSHIP</b>	Comments
11.6	To act as the District Council and Strategic Partnership's first point of contact and consultee on matters under consideration by the County Health and Wellbeing Board, County Health Scrutiny Committee and Herts Valleys Clinical Commissioning Group (HVCCG), including reviewing proposed changes to local service provision and assessing the impact on the local community.	
11.7	To promote the work of the Partnership to the local community through the website, local press and other communications channels.	

## **12. APPEALS COMMITTEE**

Ref	<b>SPECIFIC - APPEALS COMMITTEES</b>	Comments
12.1	Appeals against decisions of the Head of Housing in respect of allocations or transfers of Council accommodation and renewal of flexible tenancies.	
12.2	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.	
12.3	Appeals in respect of dismissal of Council staff.	

## **13. CITY NEIGHBOURHOODS COMMITTEE**

Ref	<b>CITY NEIGHBOURHOODS COMMITTEE</b>	Comments
13.1	To review policy and budget decision making annually for non-strategic city centre assets including smaller parks, war memorials, allotments, public conveniences, playgrounds and open spaces. The list of non-strategic city centre assets to be presented to the Committee annually.	
13.2	To support the development of Neighbourhood Forums, if requested.	
13.3	To explore opportunities to devolve assets to Neighbourhood Forums and community groups as they come forward.	
13.4	To make recommendations to Cabinet and Scrutiny Committees as appropriate.	
13.5	To consider wider agenda items put forward by co-opted members as appropriate.	
13.6	To share good practice and experiences across the unparished areas of the District.	
13.7	To coordinate the delivery of localism in the unparished areas, where appropriate, including the Community Right to Challenge and Community Right to Bid.	
13.8	To support groups to develop Resident Associations through the development of template constitutions and Terms of Reference, if requested.	

Ref	<b>CITY NEIGHBOURHOODS COMMITTEE</b>	Comments
13.9	To allow time at each meeting for consideration of questions from members of the public at the discretion of the Chair.	

#### 14. **PLANNING POLICY COMMITTEE**

Ref	<b>PLANNING POLICY COMMITTEE</b>	Comments
14.1	To make recommendations to Cabinet on the development of: <ul style="list-style-type: none"> <li>a) Local Plan <b>and Joint Strategic Plans</b></li> <li>b) Other Development Plan Documents ("DPDs")</li> <li>c) Supplementary Planning Documents ("SPDs")</li> <li>d) Local Plan evidence base</li> <li>e) Community Infrastructure Levy (CIL)</li> </ul>	
14.2	To advise the Head of Planning and Building Control and / or the Planning Portfolio Holder on taking forward the Planning Improvement Delivery Plan. The Planning Improvement Delivery Plan includes the recommendations of the LGA Peer Review, the Planning Committee Review and the other planning service reviews currently being undertaken by the Head of Planning and Building Control.	

#### 15. **JOINT ARRANGEMENTS**

Ref	<b>WEST HERTFORDSHIRE CREMATORIUM JOINT COMMITTEE</b>	Comments
15.1	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.	

#### 16. **JOINT ARRANGEMENTS**

Ref	<b>BRICKET WOOD COMMON JOINT MANAGEMENT COMMITTEE</b>	Comments
16.1	Administration of common land in accordance with a scheme of management. The Council appoints two members to serve on the Joint Management Committee with three members of St. Stephen Parish Council and one co-opted member from the Bricket Wood Residents' Association.	

#### 17. **JOINT ARRANGEMENTS**

Ref	<b>NOMANSLAND COMMON JOINT MANAGEMENT COMMITTEE</b>	Comments
17.1	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, prior approval and Technical Details Consent.
2. The District Councillor call-in procedure is maintained, but subject to the following criteria:

A call-in on an original application

- There is a 21 day strict deadline (no deviation) following the publication of the weekly list.

A call-in on an amendment to an original application, where the same application number is used, and is sent to a residential property for a consultation

- There is a 14 day strict deadline from the date of the letter advising neighbours of the receipt of minor changes to the planning application (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.
  - All call-ins must be made on material planning grounds. This can be achieved by consulting with Officers, prior to call-in, that the grounds are material, should the Member be in any doubt. If they are not, the Head of Planning and Building Control should work with the Member to agree, where possible, an appropriate form of wording that is both material in planning terms and reflects the Member's concerns.
  - The relevant material planning considerations, and if possible applicable policies in the District Plan, should be included in a call-in. If the District Local Plan Review is silent with regard to any policies relating to material planning considerations, then reference to the appropriate sections and paragraphs of the National Planning Policy Framework must 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.
  - An application that has received a Councillor call-in against the officer recommendation shall be considered by Committee.
  - The reason for call-in shall be provided and included in the Committee report.

- Members can withdraw their call-in at any stage, up to 2 weeks before the Committee due to consider that application. Members wishing to withdraw their call-in must do so in writing (email/fax/letter).
  - Call-ins from more than one Member can be received for any application.
3. 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.
  4. All SADC applications and applications submitted by Members and officers of the Council are to be reported to Committee – to ensure probity of procedure.
  5. 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. All other applications shall be determined under delegated powers.
  6. The following definitions are applicable in respect of amendments to plans submitted to the Council:-  
  
Minor = 'of lesser importance, seriousness or significance'  
Significant = 'sufficiently great or important to be worthy of attention'  
Material = 'significant or relevant, especially to the extent of determining a cause or affecting a judgement'.

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.

## APPENDIX 2

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

## APPENDIX 3

TABLE OF DELEGATIONS OF GAMBLING LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Final approval of three year licensing policy	All cases		
Policy not to permit casinos	All cases		
Fee setting – when appropriate		All cases (if delegated by full council)	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations have been received or been withdrawn
Application for variation to a licence		Where representations have been received and not withdrawn	Where no representations have been received or been withdrawn
Application for a transfer of a licence		Where representations have been received from the Gambling Commission or Responsible Authority	Where no representations have been received from the Gambling Commission or Responsible Authority
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations have been received or been withdrawn
Review of a premises licence		All cases	
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations have been received or been withdrawn
Cancellation of club gaming/club machine permits		All cases	
Applications for other permits			All cases
Licensed premises gaming machine permits		Four or more machines	Up to four machines

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>SUB-COMMITTEE</b>	<b>OFFICERS</b>
Cancellation of licensed premises gaming machine permits		All cases	
Registration of small society lotteries			All cases
Consideration of Temporary Use Notices			All cases
Decision to give a counter notice to a temporary use notice		All cases	