

FULL COUNCIL

Tuesday, 20 February 2024 at 7.30 pm

SUPPLEMENTARY PAPERS

The following papers have been added to the agenda of the above meeting. They were not available when the agenda was originally published.

Joanne Wagstaffe, Chief Executive

- 12. CONSTITUTIONAL CHANGES FOLLOWING THE RESTRUCTURE OF THE SENIOR LEADERSHIP TEAM** (Pages 3 - 102)

The following report looks to review, and propose changes to the Constitution following the restructure of the Council's Senior Leadership Team.

- 16. APPOINTMENTS TO COMMITTEES** (Pages 103 - 108)

To note changes to the membership of the Licensing and Regulatory Services Committees.

General Enquiries: Please contact the Committee Team at
committeeteam@threerivers.gov.uk

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Three Rivers District Council

Changes to Council Delegations Following Senior Leadership Team Restructure

February 2024

COUNCIL
20 FEBRUARY 2024

PART I

Changes to Council Delegations Following Senior Leadership Team Restructure (CEX)

1 Summary

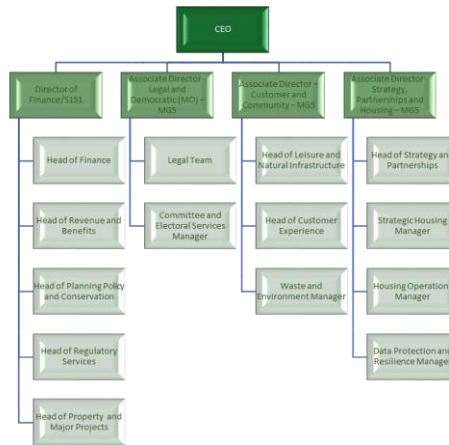
- 1.1 The following report looks to review, and propose changes to the Council's Constitution, following the restructure of the senior level of leadership at Three Rivers District Council

2 Details

- 2.1 The budget proposals for 2024/25, elsewhere on this agenda, contain a proposal to delete a vacant senior office post.
- 2.2 Watford Borough Council has also looked to make savings as part of its budget process and the opportunity has been taken to review the s.151 role at Watford resulting in the Head of Finance taking over the s.151 role from the Director of Finance and freeing up a proportion of the Director of Finance's time for Three Rivers.
- 2.3 The Head of Finance is seconded to Watford for 80% of the time, with the remaining spent on the finance shared service. This change has also resulted in a change in the Director of Finance's post with 10% of the role focussing on Watford and supporting the Head of Finance role. The remaining time is spent on the shared service and Three Rivers District Council. This change took effect from 1st November 2023 with Watford formally appointing the Head of Finance to the s.151 role at full Council on the 17th October 2023.
- 2.4 As a result, the additional time available within the Director of Finance's role has led to the ability to delete the vacant Associate Director post and deliver a significant budget saving within the Senior Leadership structure.

3 Options and Reasons for Recommendations

- 3.1 The new structure is for the Chief Executive to have four direct reports at a senior level: Director of Finance, Monitoring Officer and two Associate Director posts.
- 3.2 The vacant role of Assistant Director Economy, Infrastructure and Planning had three direct reports intended; Head of Property, Head of Regulatory Services and Head of Planning Policy and Conservation.
- 3.3 The roles of Head of Property and Major Projects, Head of Regulatory Services and Head of Planning Policy and Conservation, and their associated services, now report into the Director of Finance.



3.4 As part of this review the vacant Head of Community Services post has also been deleted. This post has been vacant since May 2023 and a restructure in Leisure Services has taken place to manage the services going forwards. This has resulted in the creation of a new Head of Leisure and Natural Infrastructure post.

3.5 Following on from the previous restructure a small amendment to the services delivered by the Associate Director Customer and Community and the Head of Strategy and Partnerships roles has been made. Sustainability and climate change has moved from the Head of Strategy and Partnerships to the Associate Director Customer and Community. To balance this out Major Projects Board has moved from the Associate Director Community and Customer to the Head of Strategy and Partnerships. There are no financial implications of this change.

3.6 It has been agreed that the Monitoring Officer will receive a Statutory Officer allowance to reflect the fact that this is one of the Council’s Statutory Posts. This allowance is to be £5,000 which will be indexed in line with the increase in the underlying salary. It is also proposed to establish this post as a Chief Officer post under the Constitution.

3.7 In addition a Deputy Monitoring Officer allowance of £1,000 will be payable which will be indexed in line with the increase in the underlying salary.

Changes to Delegations

3.8 Due to the deletion of the Associate Director of Economy, Infrastructure and Planning changes to the Constitution are required and also needs to be updated. The proposals for the changes are included in Appendices 1, 2 and 3.

4 Policy/Budget Reference and Implications

4.1 The recommendations in this report are within the Council’s agreed policy and look to realise a budget saving.

5 Financial Implications

5.1 Deletion of the Assistant Director post will provide a budget saving of £107,769k per annum.

5.2 The impact of the budget saving has been built into the budget proposals for 2024/25 reported elsewhere on this agenda.

6 Legal, Equal Opportunities, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications

6.1 None specific.

7 Staffing Implications

7.1 There are no significant implications as the changes can be made either without consultation or with the mutual consent of those individuals involved. There are no job evaluation or salary implications for the individuals involved.

7.2 As the posts of Director of Community & Environmental Services and Head of Community Services are vacant, they can be deleted without the need for consultation.

7.3 The change in role for the Director of Finance can be agreed by mutual agreement.

7.4 The change to the Monitoring Officer can be made by mutual agreement.

7.5 Changes to the responsibilities of Assistant Directors can be made by mutual agreement.

7.6 Changes in line management for the three Heads of Service can be made without the need for formal consultation.

7.7 The change to the Head of Community Partnerships role can be made by mutual agreement.

8 Recommendation

That Council note:

8.1 The staffing structure as set out in 3.3.

8.2 The changes as set out in **Error! Reference source not found.** to 3.5.

8.3 The Statutory Officer allowance to the Monitoring Officer of £5,000

8.4 The establishment of the Deputy Monitoring Officer allowance of £1,000

That Council agree, subject to the agreement of the budget proposals:

8.5 The update to the Constitution as outlined in Appendices 1, 2 and 3

8.6 To approve the Monitoring Officer role as a Chief Officer post.

Report prepared by: Joanne Wagstaffe (Chief Executive Officer)

Data Quality

Data sources: Internal sources

Data checked by: Sally Riley, Finance Business Partner.

Data rating: Tick

1	Poor	
2	Sufficient	✓
3	High	

APPENDICES

Appendix 1 – Part 2 Articles of the Constitution

Appendix 2 – Part 3 responsibility for Functions

Appendix 3 – Part 7 Management Structure

Part 2

Articles of the Constitution

Article 1 – The Constitution

1.01 This part of the Constitution contains the remits of the Council, Committees, Sub-Committees and Panels. The Scheme of Delegation to Officers is contained in Part 3 of the Constitution. Appointments to Committees are made at the Annual Council Meeting or, when a vacancy occurs, at the next available meeting of the Council. The Leader of the Council can attend all the Service Committees as of right but has no vote (not being a Member of those Committees).

1.02 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.03 The Constitution

This Constitution, and all its appendices, is the Constitution of the Three Rivers District Council.

1.04 Purpose of the Constitution

The Council exists to serve the people who live and work in the District of Three Rivers. The Council has set itself a long-held guiding vision that *“Three Rivers should be a prosperous, safe and healthy place where people want and are able to live and work.”* The enactment of this vision is set out in the Council’s Plans and strategies.

The purpose of the Constitution for Three Rivers District Council then is to:

1. enable the Council to provide clear leadership to all its communities in partnership with citizens, businesses and other organisations able to contribute;
2. facilitate and encourage the active involvement of all citizens in the process of local authority decision making;
3. help councillors represent all their constituents more effectively;
4. enable decisions to be taken efficiently and effectively;
5. create a powerful and effective means of holding decision-makers to public account;
6. ensure that no one will review or scrutinise a decision in which they were directly involved;
7. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. provide a means of improving the delivery of services to all parts of the community.

1.05 **Interpretation and Review of the Constitution**

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the greatest number of the purposes stated above, provided it is within its resources.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

Article 2 – Members of The Council

2.01 Composition and Eligibility

- (a) **Composition.** The Council will comprise 39 members, otherwise called councillors. One or more councillors will be elected by the Local Government voters of each ward in accordance with The Local Government, England The Three Rivers (Electoral Changes) Order 2014 SI 2014 No 243.
- (b) **Eligibility.** Only registered voters of the district or those living or working there will be eligible to hold the office of councillor.

2.02 Election and Terms of Councillors

Election and Terms: The ordinary election of a third of all Councillors will be held on the first Thursday in May in each year beginning in 2015, except that in 2017 and every fourth year after there will be no regular election. The terms of office of Councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

2.03 Roles and Functions of all Councillors

- (a) **Key roles.** All councillors will:
 - (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
 - (ii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
 - (iii) effectively represent the interests of their ward and its constituents;
 - (iv) respond to constituents' enquiries and representations, fairly and impartially;
 - (v) participate in the governance and management of the Council; and
 - (vi) maintain the highest standards of conduct and ethics.
- (b) **Rights and duties**
 - (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
 - (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge

information given in confidence to anyone other than a councillor or officer entitled to know it.

- (iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Procedure Rules in Part 4 of this Constitution.

2.04 **Conduct**

Councillors will at all times observe the Members’ Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

2.05 **Allowances**

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 6 of this Constitution.

Article 3 – Citizens and The Council

3.01 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Procedure Rules in Part 4 of this Constitution:

- (a) **Voting and Petitions.** An individual over 18 who lives in the District and is qualified to be on the Register of Electors as a Local Government elector is entitled to vote for a Candidate at a Local Election. To register you have to contact the Electoral Registration Officer and ask to be placed on the register at the property in which you reside. An annual audit of voters is carried out by all Councils. You can apply for a postal vote at any time.

Citizens on the Register of Electors for the area have the right to vote and sign a Petition either electronically or in print to request a referendum for an elected Mayor form of Constitution.

- (b) **Information.** Citizens have the right to:
- (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (ii) see reports and background papers, and any records of decisions made by the Council and its committees; and
 - (iii) inspect the Council's accounts and make their views known to the external auditor.
- (c) **Participation.** Citizens have the right to participate at Council and Committee meetings and contribute by invitation to investigations by Committees. Council Procedure Rules 16 and 36(C) set out the procedure.
- (d) **Compliments, Comments and Complaints.** Citizens have the right to compliment, comment or complain to the Council under its adopted scheme. Citizens also have the right to complain to:
- (i) the Local Government Ombudsman after using the Council's own complaints scheme;
 - (ii) the Monitoring Officer about a breach of the Members' Code of Conduct.

3.02 Citizens' Responsibilities

Citizens must not be violent, abusing or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers.

Article 4 – The Full Council

Some functions can only be carried out by the Council as defined by the Local Authorities (Committee System) (England) Regulations 2012. Other functions can be carried out by the Council or may be discharged through Committees. In addition the Council may delegate decision making to Officers except where a function is expressly reserved to the Council for decision.

4.01 Meanings

(a) Policy Framework

The policy framework means the following plans and strategies:-

- Community Strategy;
- The Council's Strategic Plan;
- Crime and Disorder Reduction Strategy;
- Plans and strategies which together comprise the Local Plan including draft policies and proposals in association therewith;
- Licensing Authority Policy Statement;
- Policies made under the Gambling Act;
- Asset Management Plan;
- Statement of Pay Policy.

(b) Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds and balances, the council tax base, setting the council tax in relation to the district and parish council budgets, council tax support scheme and the setting of virement limits.

4.02 Only the Council will exercise the following functions:

(a) Financial Matters

--duty to make arrangements for proper administration of financial affairs under Section 151 of the Local Government Act 1972;

- reports under Section 114 Local Government Finance Act 1988;
- consideration of a report of the District Auditor in the public interest;
- the appointment of a Council Tax Setting Committee under section 67 of the Local Government Finance Act 1992 to carry out the functions under sections 30 and 31 of that Act.

(b) Constitutional Matters

- adopting any significant changes to the Council Constitution (other than variations to the scheme of delegation which may be approved by Committees within their remits and minor and consequential changes

to the Constitution which are delegated to the Chief Executive and Monitoring Officer) (see Scheme of Delegation);

- approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
 - considering Ombudsman reports and deciding upon action to be taken where there has been a finding of maladministration with injustice and the report has been rejected by the Head of Paid Service;
 - making payments or providing other benefits in cases of maladministration under section 92 of the Local Government Act 2000;
 - making decisions on the Council's political management framework;
- making or amending Council Procedural Rules and Financial and Contract Procedural Rules;
- designating, making, or confirming the appointments or dismissal of the proper officers including Head of the Paid Service, Monitoring Officer, S151 Officer and any other first tier appointments in accordance with the Officer Employment Procedure Rules;
 - reports of the Head of Paid Service under Section 4 of the Local Government and Housing Act 1989;
 - scheme of delegation in the event of the need to assign or reassign a relevant function;
 - the acceptance on behalf of another Authority of a function of that Authority;
 - appointment of Panels and other Committees of the Council and determination of their terms of reference, composition, number of Members, terms of office, and any area of the District in which their operation is limited.

(c) Electoral Matters

- (i) duty to appoint an Electoral Registration Officer;
- (ii) duty to appoint a Returning Officer for Local Government elections;
- (iii) duty to declare vacancy in office in certain cases;
- (iv) to receive reports of the Returning Officer;
- (v) functions in relation to parishes and parish councils;
- (vi) power to dissolve small parish councils;
- (vii) power to make orders for grouping parishes, dissolving groups and separating parishes from groups;

- (viii) power to submit proposals to the Secretary of State for an order under Section 10 (Pilot schemes for local elections in England and Wales) of the Representation of the Peoples Act 2000.

(d) **Legislative Matters**

- all other matters which, by law, must be reserved to Council;
- any Local Act functions;
- approval of local lotteries;
- changing the name of the area;
- designation of land as a litter control area under Section 90 of the Environmental Protection Act 1990;
- making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- Monitoring Officer reports under the provisions of Section 5 of the Local Government and Housing Act 1989.

(e) **Members**

- adopting an allowances scheme under Article 2.05;
- appointing an independent panel on members' allowances;
- election of the Chair and the Vice-Chair of the Council;
- appointing representatives to outside bodies;
- appointing the Leader, the Deputy Leader (to be the Vice-Chair of the Policy and Resources Committee)
- appointing the Lead Members who shall be the Chairs and Vice-Chairs of the two Service Committees:-
 - Infrastructure, Housing and Economic Development
 - Leisure, Environment and Community Committee(see Article 7)
- the Lead Members being for
 - Leisure
 - Environmental Services, Climate Change & Sustainability
 - Transport and Economic Development
 - Housing
 - Infrastructure and Planning Policy
 - Community Safety and Partnerships
- overall responsibility for standards and ethics including -
 - Resolution adopting new Codes of Conduct for Members and officers and appointment of the Independent Persons.

(f) **Staff**

- determination of terms and conditions affecting staff generally;
- approving the Annual Senior Officer Pay Policy Statement;
- procedures for dismissal policy;
- functions relating to local government pensions.

4.03 **Council Meetings**

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.04 **Responsibility for Functions**

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions.

Note: For the avoidance of doubt the Full Council retains ultimate responsibility for the actions and decisions of all its Committees and also retains the ability to exercise all its powers whether or not they have been delegated to a Committee or Officer

However, the Council shall not overrule a power that has been delegated without first ensuring that such a step is in the best interest of the Council or its residents. The Council's ability to exercise its powers will not override or supersede any decision or action already taken by a Committee or Officer acting under delegated authority which has been enacted.

Further to the above, the Council can only overturn a delegated decision under the following exceptional circumstances (this list is not exclusive):

- The Monitoring Officer has deemed the decision *ultra vires*
- or
- The decision has not been enacted
 - No contracts have been exchanged
 - Any five Members, within five working days of the decision having been taken, write to the Monitoring Officer or Chief Executive.

Discussion and decisions on Policy shall not go to Council unless legally required to do so and are only to be dealt with by the Policy and Resources Committee.

Article 5 – Chairing the Council

5.01 Role and Function of the Chair

The Chair of Council and in their absence, the Vice-Chair, will have the following roles and functions:

The Chair will be elected by the Council annually in accordance with the agreed method of election approved by the Council. The Chair will have the following responsibilities:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to preside over the meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community;
4. to promote public involvement in the Council's activities;
5. to be the conscience of the Council; and
6. to attend such civic and ceremonial functions as the Council as they determine appropriate.

5.02 Scheme for the Election of the Chair

The Scheme for the Election of the Chair of the Council is contained in the Appendices to this Constitution.

Article 6 – Policy and Resources Committee

6.01 Introduction

The Policy Development and Review functions are undertaken by the Policy and Resources Committee.

6.02 Terms of Reference

Policy and Resources Committee

- (i) To set and co-ordinate all policy for itself and the service and other committees which have been delegated by Council:-
- (ii) To review and scrutinise the policies made or proposed to be made by the Council and to recommend appropriately to the Council:
 - (a) whether any new policies are required;
 - (b) whether any existing policies are no longer required;
 - (c) whether any changes are required to any existing policies;
 - (d) whether any action is required to make the policies more effective.
- (iii) To consider any matters which affect the Council's administrative area or the inhabitants of that area and to make recommendations or reports to the Council.
- (iv) To allocate resources to the other Committees to enable the Council functions to take place.
- (v) To be responsible for the following areas of concern and to review performance against the previous year's plans of the services within its remit:
 - Audit and Fraud including Audit Recommendations
 - Commercial Estate management
 - Committee/Member support
 - Communication
 - Customer Services Centre
 - Electoral registration and elections
 - Land and Property (PFM) and Office Services
 - Legal
 - Policy/Corporate support
 - Purchasing/procurement
 - Rent Account
 - Services provided jointly with other Local Authorities:

- (Accountancy, Treasury, Income and Payments
- Benefits – Housing Benefit, Council Tax Benefit, discretionary NNDR relief
- Collection of Council Tax, National Non-Domestic Rate
- To undertake an annual review of the Council Tax Support Scheme and make recommendations to Council
- Information and Communications Technology
- Human Resources and Training)
- Themes / Strands allocated from the Council's Strategic Plan
- Resources and Finance including the development of Budget recommendations to Council
- Asset Management
- Major Projects
- Local Plan
- Community Infrastructure Levy
- Right to Build Register
- Requests for implementation of Public Spaces Protection Orders under the Anti-Social Behaviour, Crime and Policing Act 2014.
- to authorise the purchase of property for investment.

6.03 **Membership**

- (i) Membership of the Committee will be determined in accordance with political balance rules under Section 15 to 17 of the Local Government and Housing Act 1989 and in accordance with methods of appointment set out in Council.
- (ii) The Leader of the Council shall Chair this Committee. The Lead Member for Infrastructure and Planning Policy shall be the Lead Member for the Local Plan. All the Lead Members designated as such by Council are *de facto* Members of this Committee.

6.04 **Lead Member for Resources and Shared Services**

	<p>Lead Member Resources and Shared Services Accountancy, Treasury, Income and Payments Asset Management Audit Benefits Council Tax Commercial Estate management Committee/Member support Commercial Partnerships Communications Customer Services Centre Electoral registration and elections Fraud prevention Human Resources Information and Communications Technology Investments Land and Property Legal National Non-Domestic Rate Policy/Corporate support Purchasing/procurement</p>
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Article 7 – Service Committees

7.01 There are two Service Committees (reviewed in 2017). They are Leisure, Environment and Community and Infrastructure, Housing and Economic Development.

7.02 Their functions are:

- (i) To make all decisions in respect of their areas of responsibility (as set out in the tables below) provided these are within their allocated budgets and agreed policies.
- (ii) To consider any matter referred to them by the Council or the Policy and Resources Committee and recommend or report to the Council or the Policy and Resources Committee accordingly.
- (iii) To review performance against the previous year's plans of the services within their remit:
- (iv) To consider any matter identified by the Policy and Resources Committee for consideration within their remit.
- (v) To determine an annual Work Plan.
- (vi) To liaise and seek views of the local community and other interested parties in relation to the above matters.
- (vii) To consider any submitted Community or Councillor Calls for Action.

7.03 **Scope of Services within Service Committees' Remit**

The Council will appoint the Service Committees set out in the left-hand column of the table below to discharge the functions set out in the right-hand column of the same table.

Service Committees	Services Included
<p>Infrastructure, Housing and Economic Development Committee</p>	<p>Themes / Strands allocated from the Council's Strategic Plan Reporting on allocated service plans</p> <p>Lead Member for Transport and Economic Development Community Toilet Schemes Cycling policy and cycleway provision Economic Development Highways Parking Public transport Rivertech Town and village centre improvements</p> <p>Lead Member for Infrastructure and Planning Policy Brownfield Register Building Control Conservation areas and local listing Community Infrastructure Levy Development Management policy Heritage Infrastructure Schemes Land Charges Land Drainage Listed Buildings Neighbourhood Planning Right to Build Register Tree Protection</p> <p>Lead Member for Housing Housing Policy Homelessness and Housing Advice Housing and Disabled Facilities Grants Management of Traveller sites Private Housing and Houses in Multiple Occupation Residential Environmental Health Temporary accommodation.</p>

<p>Leisure, Environment and Community Committee</p>	<p>Themes / Strands allocated from the Council's Strategic Plan Reporting on allocated service plans</p> <p>Lead Member for Leisure Arts development and facilities Leisure and Community grants Leisure development and facilities Open spaces Play areas and play development Public Health Strategy Sports development and facilities Wellbeing Woodlands</p> <p>Lead Member for Environmental Services, Climate Change and Sustainability Air pollution and noise pollution Animal and pest control Cemeteries and crematorium Refuse collection and recycling Street cleaning and litter bin emptying Sustainability, climate change and energy efficiency</p> <p>Lead Member for Community Safety and Partnerships Community Safety:</p> <ul style="list-style-type: none"> • To review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions (it is the Crime and Disorder Committee for the purposes of the Police and Justices Act 2006); • To make reports or recommendations to the Council with respect to the discharge of those functions; • The Committee will be able to co-opt members from the Responsible Authorities (the Community Safety Partnership) should it wish to when reviewing certain projects/decisions. <p>(We are required by law to have a scrutiny committee to carry out this function) Disease Control Food Inspection Health and Safety Health and social care Licensing activities covered by the Licensing Acts Licensing and Regulatory activities outside the Licensing Acts Public Spaces Protection Orders Traveller incursions</p>
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7.04

Proceedings of Service Committees

The Committees will conduct their proceedings in accordance with the Council Procedure Rules as set out in Part 4 of this Constitution.

7.05. **Membership**

- (i) Membership of the Committees will be determined in accordance with political balance rules under Section 15 to 17 of the Local Government and Housing Act 1989 and in accordance with methods of appointment set out in Council.
- (ii) There will be three Presiding Members of each Service Committee appointed from the Lead Members designated as such by Full Council. The Chairs of the Service Committees will be split between the three Presiding Members in accordance with their areas of Special Responsibility with the other acting as the Vice-Chair when they are not in the Chair.
- (iii) Substitute Members are permitted in accordance with Council Procedure Rule 28.

Article 8 – Regulatory and Other Committees

8.01 Regulatory and Other Committees

The Council will appoint the committees set out in the left-hand column of the table Responsibility for Council Functions in Part 3 of this Constitution to discharge the functions described in column 3 of that table.

Article 9 – The Standards Regime

9.01 In accordance with the Localism Act 2011, the Council will establish a Panel of three Members to deal with complaints against Members of the District Council or a parish council in respect of breaches of the Code of Conduct.

9.02 **Composition**

The Panel will consist of three Group Leaders or their nominated representatives.

9.03 When dealing with complaints the following stages be implemented:-

Stage 1 - The Monitoring Officer considers complaint in consultation with the Independent Person appointed by the Council.

Stage 2 - Informal resolution of complaint by Group Leaders (or nominated representatives) and by representative of the Parish Council if complaint involved a Parish Councillor (Clerk Deputy or nominated Member).

Stage 3 - If a formal Hearing is required, a Panel of 3 Members, Group Leaders or nominated representatives (but not those involved in Stage 2 above), will be appointed to consider a report from the Investigation Officer and determine the complaint. If the complaint involves a Parish Councillor, a representative of the relevant Parish Council, Chair or nominated representative (but not the representative involved in Stage 2) will be added to the membership of the Panel. In accordance with the statutory provision, the Panel will consult the Independent Person before it determines the complaint.

Article 10 – Area Arrangements

10.01 Local Area Forums

The Council has appointed five area forums, one for each of the District's parished areas and one for the unparished area.

Terms of Reference

Each Local Area Forum is a consultative/advisory meeting which itself has no decision-making powers. Its dual purpose is to provide an opportunity for the public to raise matters of concern and interest and to express their views and to provide the Council with a platform to explain its position, policies and plans.

Composition/Membership

The Chair and the Vice-Chair of the Forums are elected at Annual Council. The particular Ward Councillors appointed to each Forum are those that represent the relevant Wards within each parished (or unparished) area. Council Officers attend meetings as warranted by agenda items but officer attendance is kept to a minimum in order to maintain the emphasis on direct interaction between the public and Councillors.

Regularity of Meetings

The calling of meetings is left to the discretion of the Chair and there is no minimum number of meetings per year, nor is there a set venue.

General Procedures

It is the responsibility of the Chair and fellow Ward Members to formulate the agenda for a meeting. Agendas should be despatched approximately two weeks in advance of the meeting.

There are no formal notes of the meeting: Members might note any actions they have agreed to pursue, but these are not distributed.

The following procedures are also practised at the meetings:-

- The Chair introduces themselves at the start of the meeting and asks the Ward and County Councillors in attendance to do likewise.
- The Chair explains the purpose of the various papers distributed at the meeting.

Publicity

A wide range of methods of advertising meetings may be employed including the following:-

- Direct e-mail to interested parties/organisations
- *Three Rivers Times* and Website
- Local noticeboards (arranged via Council staff)
- Community newsletters and posters.

Article 11 – Joint Arrangements

11.01 Arrangements to Promote Well Being

The Council, in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

11.02 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise any functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee or advisory panel with these other local authorities.
- (b) Details of any joint arrangements including any delegations to joint committees will be found in the Council's Scheme of Delegations in Part 3 of this Constitution.

11.03 Access to Information

The Access to Information Procedure Rules in Part 4 of this Constitution apply.

11.04 Delegation to and from Other Local Authorities

- (a) The Council may delegate functions to another local authority or the executive of another local authority.
- (b) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

11.05 Contracting Out under the Deregulation and Contracting Out Act 1994

The Council and/or one of its Committees may contract out to another body or organisation functions which may be exercised by an officer within any legislative constraints.

Article 12 – Officers

12.01 Management Structure

- (a) **General.** The full Council authorises the engagement of such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The full Council will engage persons for the following posts, who will be designated chief officers:

Post	Functions and Areas of Responsibility
Chief Executive	<p>To lead the Senior Leadership Team and Corporate Management Team and assume overall responsibility for corporate and operational management of the Council including the provision of impartial professional advice to all parts of the political management structures.</p> <p>Together with the monitoring officer, responsibility for a system of record keeping for all the Council's decisions.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p> <p>Corporate and Advisory Role: To serve as a member of the Corporate Management Board and contribute to the corporate management of the Council including the provision of impartial professional advice to all parts of the political management structure.</p> <p>To have a general power of competence in cases of urgency or emergency.</p> <ul style="list-style-type: none"> •
Director of Finance	<p>Corporate and Advisory Role: To serve as a member of the Senior Leadership Team and Corporate Management Team and contribute to the corporate management of the Council including the provision of impartial professional advice to all parts of the political management structure.</p> <p>Service Role: Strategic oversight of corporate services within the Lead Authority Agreement, currently</p> <ul style="list-style-type: none"> • To contribute to the Corporate Management of the Council • Finance and Accountancy; • Revenues and Benefits • Customer Contact Programme • • Procurement

Post	Functions and Areas of Responsibility
	<p>Direct operational management responsibility for the following service areas:-</p> <ul style="list-style-type: none"> • Finance and Accountancy, • Revenues and Benefits • Development Control • The Local Plan • Local Land Charges • Building Control • Control and Maintenance of Car Parking • Commercial Environmental Health • Property and Facilities Management
Associate Director Legal & Democratic Services (Monitoring Officer)	<p>Corporate and Advisory Role: To serve as a member of the Senior Leadership Team and Corporate Management Team and contribute to the corporate management of the Council including the provision of impartial professional advice to all parts of the political management structure.</p> <p>Service Role: Direct operational management responsibility for the following service areas:-</p> <ul style="list-style-type: none"> • Legal • Democratic Services including Committee and Election Services • As Monitoring Officer: <ul style="list-style-type: none"> • (a) Maintaining the Constitution. • (b) Ensuring lawfulness and procedural fairness of decision making. • (c) Overseeing the Standards Regime. • (d) Conducting investigations

- (c) **Head of paid service, monitoring officer and chief financial officer.**
The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Associate Director Legal & Democratic Services	Monitoring Officer
Director of Finance	Chief Finance Officer

Such posts will have the functions described in Article 12.02–12.04 below.

The head of paid service, monitoring officer and chief finance officer may nominate a member of staff as a deputy to act in their absence or illness. The following nominations have been made:

Post	Designation
Chief Officer(s) (to be nominated by the Chief Executive as and when required)	Deputy Head of Paid Service

Principal Solicitor (Property)	Deputy Monitoring Officer
Head of Finance	Deputy Chief Finance Officer

- (d) **Structure.** The head of paid service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

12.02 **Functions of the Head of Paid Service**

- (a) **Discharge of functions by the Council.** The head of paid service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the monitoring officer but may hold the post of chief finance officer if a qualified accountant.

12.03 **Functions of the Monitoring Officer**

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and procedural fairness of decision making.** After consulting with the Head of Paid Service and Chief Finance Officer, the monitoring officer will report to the full Council if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Overseeing the Standards Regime.** The monitoring officer will contribute to the promotion and maintenance of high standards of conduct overseeing and supporting the Standards Regime.
- (d) **Conducting investigations.** The monitoring officer will conduct investigations into relevant complaints and make reports or recommendations in respect of them to the Panel and/or the Council.
- (f) **Proper officer for access to information.**
- (g) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.
- (h) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

12.04 **Functions of the Chief Finance Officer**

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the head of paid service and the monitoring officer, the chief finance officer will report to the full Council and the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The chief finance officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The chief finance officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The chief finance officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
- (e) **Give financial information.** The chief finance officer will provide financial information to the media, members of the public and the community.

12.05 **Duty to Provide Necessary Resources to the Head of Paid Service, Monitoring Officer and Chief Finance Officer**

The Council will provide the Head of Paid Service, Monitoring Officer and Chief Finance Officer with necessary resources to allow their duties to be performed.

12.06 **Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

12.07 **Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.

Article 13 – Decision making

13.01 Responsibility for Decision making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

13.02 Principles of Decision making

All decisions of the Council will be made in accordance with the following principles:

- (a) The action must be in proportion to the desired outcome;
- (b) There should be due consultation and the taking of professional advice from officers;
- (c) There should be respect for human rights;
- (d) There should be a presumption in favour of openness;
- (e) There should be clarity of aims and desired outcomes;
- (f) There should be legality; and
- (g) There action should be in accordance with the key aims and objectives of the Council, meaning that where more than one decision is available to achieve a desired outcome, the Council will make the decision which is most likely to advance the Council's key aims and objectives, provided it is within its resources.

The reports presented to Council or Committees will explain what options were considered and give the reasons for the decision and the recommendation. A record of decisions made will be taken.

13.03 Types of Decision

Decisions reserved to full Council. Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.

13.04 Decision making by the Full Council

Subject to Article 13.06, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.05 Decision making by Committees and Sub-Committees established by the Council

All the Committees will follow the Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.06

Decision making by Council Bodies Acting as Tribunals

The Council, a councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

Article 14 – Finance, Contracts and Legal Matters

14.01 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

14.02 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

14.03 Legal Proceedings

The Chief Legal Officer (or, with the Chief Legal Officer's prior written authorisation, a Principal Lawyer), is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Chief Legal Officer considers that such action is necessary to protect the Council's interests.

14.04 Authentication of Documents

Where any document will be a necessary step in legal proceedings on behalf of the Council, it shall be signed by the Chief Executive unless any enactment otherwise requires or authorises, or the Council otherwise authorises some other person through the scheme of delegation to officers (as contained in Part 3 of this Constitution), or the Council gives the necessary authority to some other person for the purposes of such proceedings.

14.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Chief Legal Officer. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Chief Legal Officer should be sealed. The affixing of the Common Seal will be attested by the Chief Executive, Director of Finance, Director of Community and Environmental Services or the Chief Legal Officer.

Any of the following officers are also authorised to attest the seal:
A Principal Solicitor, Principal Lawyer of the Council, Emergency Planning and Risk Manager

Article 15 – Review and Revision of the Constitution

15.01 Duty to Monitor and Review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

Protocol for Monitoring and Review of Constitution by Monitoring Officer

Terms of Reference for Committees

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

1. observe meetings of different parts of the member and officer structure;
2. undertake an audit trail of a sample of decisions;
3. record and analyse issues raised with themselves by members, officers, the public and other relevant stakeholders; and
4. compare practices in this authority with those in other comparable authorities, or national examples of best practice.

15.02 Changes to the Constitution

- (a) **Approval** Changes to the constitution will only be approved by the full Council after consideration of the proposal by the Monitoring Officer.
- (b) **Change from a Committee system to a Leader and Cabinet form of Executive or to a Mayoral form of Executive.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and must hold a binding referendum in accordance with legislation.

Article 16 – Suspension, Interpretation and Publication of the Constitution

16.01 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least two-thirds of the whole number of Councillors are present. The extent and duration of suspension will be in proportion to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) **Rules capable of suspension.** The following Rules may be suspended in accordance with Article 16.01:
 - Council Procedure Rules
 - Financial Procedure Rules
 - Contracts Procedure Rules

16.02 Interpretation

The ruling of the Chair of the Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.03 Publication

- (a) The Committee Team will give a copy of this Constitution to each member of the authority upon delivery to themselves of that individual's declaration of acceptance of office on the member first being elected to the Council.
- (b) The Committee Team will ensure that one copy is available for inspection at the Council offices, or can be viewed online at www.threerivers.gov.uk and can be purchased by members of the local press and the public on payment of a reasonable fee.

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Part 3

Responsibility for Functions

**Functions Reserved to Full Council are detailed in
Article 4 of this Constitution.**

Part 3 - Responsibility for Functions

POLICY AND RESOURCES COMMITTEE

General

Policy and Resources Committee of the Council is established to make policy and budget decisions on matters delegated to it.

Membership, Chairperson of the meeting and Quorum

Number of Members	To be decided at Annual Council.
Substitute Members Permitted	Yes.
Political Balance Rules apply.	Yes.
Appointments/Removals from Office	By Resolution of Council.
Restrictions on Membership	All Lead Members to have a seat on the Committee.
Restrictions on Chair and Vice-Chair	Chair to be Leader of the Council. Vice Chair Deputy Leader
Quorum	One-third of membership.
Number of ordinary meetings per Council Year	Minimum of 2. Subject to compliance with the stated minimum, it is for each Committee to determine the number of times it meets during a municipal year.
Standing Sub-Committees	None.

Terms of Reference

As set out in Article 6.

Delegations

All Matters within the budget and remit of the Committee.

Lead Members

Each Lead Member has responsibility for a particular area of the Council's work, and shall, in relation to that work, have the following functions:

to oversee the development and implementation of policy via the Policy and Resources Committee;

to propose an appropriate course of action when a matter comes before the relevant Committee for decision;

to attend Working Party meetings when requested.

Part 3 – Responsibility for Functions

SERVICE COMMITTEES

General

Service Committees of the Council are established to make operational decisions on matters delegated to them.

Membership, Chairperson and Quorum

Number of Members	To be decided at Annual Council.
Substitute Members Permitted	Yes.
Political Balance Rules apply.	Yes.
Appointments/Removals from Office	By Resolution of Council.
Restrictions on Membership	None.
Restrictions on Chair and Vice-Chair	Yes. There will be three Presiding Members of each Service Committee appointed from the Lead Members designated as such by Full Council. The Chairperson of the Service Committees will be split between the three Presiding Members in accordance with their areas of special responsibility with the other acting as their Vice-Chair when not in the Chair.
Quorum	One-third of membership.
Number of ordinary meetings per Council Year	Minimum of 2. Subject to compliance with the stated minimum, it is for each Committee to determine the number of times it meets during a municipal year.
Standing Sub-Committees	None.

Terms of Reference

As set out in Article 7.

Delegations

All matters within the remit and budget of the Committee.

Part 3 – Responsibility for Functions

APPOINTMENTS COMMITTEE

General

A Committee of the Council established:

- (i) to make recommendations to the Council in respect of the appointment of the Head of Paid Service (Chief Executive);
- (ii) to appoint Chief Officers

Membership, Chairperson and Quorum	
Number of Members	To be decided at Annual Council.
Political balance Rule apply	Yes.
Appointments/Removals from office	By resolution of Council.
Restriction on membership	None
Restrictions on Chair/Vice-Chair	None.
Quorum	One-third of membership – minimum of 3.

Terms of Reference

See delegation below.

Delegations

To appoint Chief Officers other than the Head of Paid Service.

Part 3 – Responsibility for Functions

AUDIT COMMITTEE

General

A Committee of the Council established to consider audit and internal control matters.

Membership, Chairperson and Quorum

Number of Members	To be decided at Annual Council.
Substitute Members Permitted	Yes.
Political Balance Rules apply.	Yes.
Appointments/Removals from Office	By Resolution of Council.
Restrictions on Membership	Policy and Resources Committee Members may not serve.
Restriction on Chair/Vice-Chair	None.
Quorum	One-third of membership – minimum of 3.
Number of ordinary meetings per Council Year	Minimum of 3. Subject to compliance with the stated minimum, it is for each Committee to determine the number of times it meets during a municipal year.
Standing Sub-Committees	None.

Terms of Reference

The Committee will:-

- Review the Council's corporate and partnership governance arrangements against best practice. This will include review of the Annual Governance Statement prior to approval and whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.
- Consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- Consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.
- Monitor the effective development and operation of risk management in the Council, including monitoring of progress in addressing risk-related issues reported to the committee.
- To review the assessment of fraud risks and potential harm to the Council from fraud and corruption, and to monitor the counter-fraud strategy, actions and resources.
- Approve (but not direct) the internal audit charter and the annual risk-based internal audit plan, including any in-year changes to the risk-based internal audit plan and resource requirements.

- Consider (but not direct) reports on internal audit's performance during the year, including updates on the work of internal audit, key findings, issues of concern and action in hand as a result of internal audit work.
- Consider summaries of specific internal audit reports as requested and seek assurance that action has been taken where necessary.
- Consider the Head of Internal Audit Opinion and Annual Report, including conformance with the Public Sector Internal Audit Standards.
- Make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations on the work of internal audit.
- Consider the external auditor's annual letter, relevant reports, and the report to those charged with governance, as well as specific reports as agreed with the external auditor, comment on the scope and depth of external audit work and ensure it gives value for money. Monitor and seek assurances that action is being taken by management in response to the issues raised by external audit.
- Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
- Review the annual statement of accounts, specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- Ensure effective scrutiny of treasury management through review of a mid-year and annual report on treasury management performance and compliance with the treasury management strategy and policies.
- Review of organisational ethical values and standards in so far as they relate to governance arrangements.
- Consider matters at the request of statutory officers and other Committees as appropriate and necessary.
- Report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions.
- Approve the statutory Statement of Accounts.

Delegations

- As set out in the terms of reference above.

Part 3 – Responsibility for Functions

COUNCIL TAX SETTING COMMITTEE

General

A Committee of the Council established to set the Council Tax.

Membership, Chairperson and Quorum

Number of Members	To be decided at Annual Council.
Substitute Members Permitted	Yes.
Political Balance Rules apply.	Yes.
Appointments/Removals from Office	Appointments made by submission of names by Group Leaders to Chief Executive before each meeting, such appointment to last for that meeting only.
Restrictions on Membership	None.
Restrictions on Chair/Vice-Chair	None.
Quorum	One-third of membership – minimum of 3.
Number of ordinary meetings per Council Year	One held before 11 March.
Standing Sub-Committees	None.

Terms of Reference

The Committee will:-

- Set the Council Tax in accordance with Section 30 of the Local Government Finance Act 1992 (Aggregating Billing Authority and Preceptors Council Tax Charges).

Delegations

As set out in the terms of reference above.

Part 3 – Responsibility for Functions

THE PLANNING COMMITTEE

General

A regulatory Committee of the Council established to be responsible for development management and related town and country planning matters.

Membership, Chairperson and Quorum

Number of Members	To be decided at Annual Council.
Substitute Members Permitted	Yes. Substitutes are only permitted from a designated named pool of substitute members with each Group allowed to appoint up to the number of Members that Group has seats on the Committee. All substitute Members serving on the Planning Committee must have undertaken at annual training before serving on the Committee.
Political Balance Rules apply.	Yes.
Appointments	At Annual Council in accordance with proportionality rules.
Restrictions on Membership	Annual mandatory training must be undertaken by all existing Members of the Committee, any new Member(s) appointed to the Committee and any named substitute members before the first meeting of the Committee in the municipal year
Restriction on Chair	None
Quorum	One-third of membership.
Number of ordinary meetings per Council Year	Minimum of 4. Subject to compliance with the stated minimum, it is for each Committee to determine the number of times it meets during a municipal year.
Standing Sub-Committees	None.

Terms of Reference

- To exercise the Council's responsibilities for the functions identified in the left hand column of the Table below in respect of the enactments identified in the right hand column including monitoring the performance of service delivery delegated to officers:-

Function	Enactment
Functions relating to town and country planning and development control	

Function	Enactment
<p>1. Power to determine applications for planning permission</p> <p>2. Power to determine applications to develop land without compliance with conditions previously attached.</p>	<p>Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8).</p> <p>Section 73 of the Town and Country Planning Act 1990.</p>
<p>3. Power to grant planning permission for development already carried out.</p>	<p>Section 73A of the Town and Country Planning Act 1990.</p>
<p>4. Power to grant planning permission for minor material amendments, permit non material amendments and extend the time limit for the implementation of planning permissions</p>	<p>Section 73A and sec 96A of the Town and Country Planning Act 1990.</p>
<p>5. Power to decline to determine applications for planning permission.</p>	<p>Section 70A of the Town and Country Planning Act 1990.</p>
<p>6. Duties relating to the making of determinations of planning applications.</p> <p>7. Power to determine applications for planning permission made by a local authority, alone or jointly with another person.</p> <p>8. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.</p> <p>9. Power to enter into agreement regulating development or use of land and agree the modification or discharge of an existing section 106 deed (bilateral or unilateral).</p> <p>10. Power to issue a certificate of existing or proposed lawful use or development.</p> <p>11. Power to serve a completion notice.</p>	<p>Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.</p> <p>Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492)</p> <p>Parts 1, 3, 4, 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30, 31, 37 and 39 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) (or any order revoking and re-enacting that Order with or without modification).</p> <p>Section 106, 106A and 106BA of the Town and Country Planning Act 1990.</p> <p>Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.</p> <p>Section 94(2) of the Town and Country Planning Act 1990.</p>

Function	Enactment
12. Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992
13. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990
14. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
15. Power to serve a planning contravention notice, breach of condition notice or stop notice (including a temporary stop notice).	Sections 171C, 171E, 187A and 183(1) of the Town and Country Planning Act 1990
16. Power to issue an enforcement notice, agree its withdrawal or a variation or waiving of any of its requirements. Power to apply for a planning enforcement order	Section 172, 173A and 171BB of the Town and Country Planning Act 1990.
17. Power to authorise the execution of works required by an enforcement notice and recover the costs reasonably incurred in doing so	Section 178 of the Town and Country Planning Act 1990
18. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990
19. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990
20. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
21. Power to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
22. Power to determine applications for conservation area consent as part of a planning application.	Town and Country Planning Act 1990

Function	Enactment
<p>23. Duties relating to applications for listed building consent and conservation area consent.</p>	<p>Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Circular 14/97.</p>
<p>24. Power to serve a building preservation notice, and related powers.</p>	<p>Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.</p>
<p>25. Power to issue a listed building enforcement notice</p>	<p>Section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.</p>
<p>26. Powers to acquire a listed building in need of repair and to serve a repairs notice.</p> <p>27. Power to apply for an injunction in relation to a listed building.</p> <p>28. Power to execute works required by a listed building enforcement notice or which are urgently required to preserve an unoccupied listed building.</p> <p>29. Powers relating to the preservation of trees.</p> <p>30. Powers relating to the protection of important hedgerows.</p> <p>31. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.</p>	<p>Sections 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.</p> <p>Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990</p> <p>Section 42 and 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.</p> <p>Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 2012 (S.I. 2012/605).</p> <p>The Hedgerows Regulations 1997 (S.I. 1997/1160).</p> <p>Section 330 of the Town and Country Planning Act 1990</p>

Function	Enactment
32. Power to grant or refuse requests for planning approvals made pursuant to Schedule 17 and to impose conditions on approvals granted.	Section 20 and Schedule 17 of the High Speed Rail (London-West Midlands) Act 2017
33. Power to remove a Public Call Box (PCB) and/or Public Call Services (PCS) from a Site.	Communications Act 2003
34. Power to enter into a Heritage Partnership Agreement	Section 26A of Planning (Listed Buildings and Conservation Areas) Act 1990
Miscellaneous functions	
1. Power to create footpaths and bridleways.	Section 26 Highways Act 1980.
2. Power to create a footpath or bridleway by agreement.	Section 25 of the Highways Act 1980 (c.66).
3. Power to authorise stopping-up or diversion of footpath or bridleway.	Section 257 of the Town and Country Planning Act 1990, and Section 118, 119 of the Highways Act 1980.
4. Power to make a public path diversion order.	Sections 119ZA and 119C(4) of the Highways Act 1980.
5. Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2) of the Highways Act 1980.
6. Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981 (c.67).
7. Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1985 (c.68).
8. Power to authorise stopping up or diversion of highway.	Section 247 of the Town and Country Planning Act 1990 (c.8)
9. Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.
10. Duty to assert and protect rights of public to use and enjoyment of highways.	Section 130 Highways Act 1980.
11. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.	Section 121B of the Highways Act 1980.
12. Power to decline to determine certain applications.	Section 121C of the Highways Act 1980.
13. Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980.
14. Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980.

2. For the avoidance of doubt, in relation to the grant or issue by the Committee of any approval, consent, licence, permission or registration, the exercise of the responsibilities for the above functions includes responsibility for:-
 - (1) the imposition or amendment, modification or variation of any term, condition, limitation or restriction; or
 - (2) the decision to take enforcement or other action in respect of a breach of any term, condition, limitation or restriction; or
 - (3) the decision to revoke, vary or modify any approval, consent, licence, permission or registration.

Notes

The functions identified in the above table are intended to be comprehensive. Any other function relating to Town and Country Planning e.g. Local Plan, Article 4 Directions etc will be the responsibility of the Policy and Resources Committee.

Any delegations to Officers are contained in the Scheme of Delegation to Officers set out at Part 3 of this Constitution.

Part 3 – Responsibility for Functions

LICENSING COMMITTEE

General

A Committee of the Council established to be responsible for specific Licensing matters.

Membership, Chairperson and Quorum

Number of Members	To be decided at Annual Council.
Substitute Members Permitted	No.
Political Balance Rules apply.	Yes.
Appointments	At Annual Council.
Restrictions on Membership	Annual mandatory training must be undertaken by all existing Members of the Committee and any new Member(s) appointed to the Committee before the first meeting of the Committee in the municipal year and; There is common membership with Regulatory Services Committee.
Restrictions on Chair/Vice-Chair	None.
Quorum	One-third of membership.
Number of ordinary meetings per Council Year	Minimum of 2. Subject to compliance with the stated minimum, it is for each Committee to determine the number of times it meets during a municipal year.
Standing Sub-Committees	Licensing Hearing Sub-Committee.

Terms of Reference

- To exercise the Council's responsibilities for the functions identified in the left-hand column of the Table below in respect of the enactments identified in the right-hand column including the monitoring and performance of service delivery delegated to the officers.

Function	Enabling Provision
<p>Licensing and Registration</p> <p>1. To recommend to Council a Licensing Policy and to ensure a full review at least every five years.</p>	<p>Section 5 of the Licensing Act 2003</p>

Function	Enabling Provision
2. Power to issue licences in respect of personal licences, premises licences, club premises certificates and temporary event notices.	Sections 18 and 120 (premises and personal licences), Section 72 (club premises certificates) and Section 100 (temporary event notices) of the Licensing Act 2003.
3. Power to grant track betting licences.	Gambling Act 2005
Function	Enabling Provision
4. Power to license inter-track betting schemes.	Section 353 to the Gambling Act 2005.
5. Power to grant permits in respect of premises with gaming machines.	Section 282 of the Gambling Act 2005.
6. Power to grant permits in respect of premises where amusements with prizes are provided.	Gambling Act 2005.
7. Power to issue cinema and cinema club licences.	Section 18 of the Licensing Act 2003.
8. Power to issue theatre licences.	Section 18 of the Licensing Act 2003.
9. Power to issue premises with entertainments licences.	Section 18 of the Licensing Act 2003.
10. Power to issue temporary event notices.	Section 100 of the Licensing Act 2003.
11. Power to determine applications under the Gambling Act 2005.	Gambling Act 2005.
12. To recommend to Council a Licensing Policy and to ensure a full review at least every three years.	Section 349 – Gambling Act 2005.
13. Delegation of Licensing Authority functions.	Section 154 - Gambling Act 2005.
14. Grant of an application for a Premises Licence.	Section 164 - Gambling Act 2005.
15. Endorsement of Notice for temporary use of premises.	Section 227 - Gambling Act 2005.
16. Grant of licensed premises gaming machine permits.	Sections 277-284 and Schedule 13 - Gambling Act 2005.
17. Registration of small lotteries.	Schedule 11, parts 4 and 5, Gambling Act 2005.

Function	Enabling Provision
18. Issue club machine permits.	Section 274 – Gambling Act 2005.
19. Issue club machine permits.	Section 274 – Gambling Act 2005.
20. Issue prize gaming machine permits.	Section 289 and Schedule 14 - Gambling Act 2005.
21. Issue Provisional Statements.	Section 204 - Gambling Act 2005.
22. Receive Occasional Use Notices.	Section 39 - Gambling Act 2005.
23. Provide Information to the Gambling Commission regarding details of licences issued.	Section 29 - Gambling Act 2005
24. To consider the effects of the Policing and Crime Act 2017 and the Immigration Act 2016 on the Licensing Act 2003 and the changes in the application processes and powers available to a Licensing Authority.	Policing and Crime Act 2017 and Immigration Act 2016

2. For the avoidance of doubt, in relation to the grant or issue by the Committee of any approval consent, licence, permission or registration, the exercise of the responsibilities for the above functions includes responsibility for:-
- (1) the imposition or amendment, modification or variation of any term, condition, limitation or restriction; or
 - (2) the decision to take enforcement or other action in respect of a breach of any term, condition, limitation or restriction; or
 - (3) the decision to revoke, vary or modify any approval, consent, licence, permission or registration.

Notes

Any delegations to Officers are contained in the Scheme of Delegation to Officers set out at Part 3 of this Constitution.

Part 3 – Responsibility for Functions

REGULATORY SERVICES COMMITTEE

General

A regulatory Committee of the Council established to be responsible for certain Licensing functions, Electoral and miscellaneous matters and external Health and Safety at Work.

Membership, Chairperson and Quorum

Number of Members	To be decided at Annual Council.
Substitute Members Permitted	Yes but only if the Member has received the annual training prior to being appointed a substitute member on the Committee.
Political Balance Rules apply.	Yes.
Appointments	At Annual Council.
Restrictions on Membership	Annual mandatory training must be undertaken by all existing Members of the Committee and any new Member(s) appointed to the Committee before the first meeting of the Committee in the municipal year and; There is common membership with Licensing Committee.
Restrictions on Chair/Vice-Chair	None.
Quorum	One-third of membership.
Number of ordinary meetings per Council Year	Minimum of 2, subject to compliance with the stated minimum, it is for each Committee to determine the number of times it meets during a municipal year.
Standing Sub-Committees	None.

Terms of Reference

- To exercise the Council's responsibilities for the functions identified in the left-hand column of the Table below in respect of the enactments identified in the right-hand column including the monitoring and performance of service delivery delegated to the officers.

Function	Enabling Provision
<p>Licensing and Registration</p> <p>1. Power to issue licences authorising the use of land as a caravan site ("site licences").</p>	<p>Section 3(3) of the Caravan Sites and Control of Development Act 1960.</p>

Function	Enabling Provision
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936.
3. Power to license hackney carriages and private hire vehicles.	<p>(a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976;</p> <p>(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p>
4. Power to license drivers of hackney carriages and private hire vehicles.	<p>Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>as amended by Section 10 of the Deregulation Act 2015, and as amended by Section 11 of the Deregulation Act 2015, with insertion of Sections 55A & 55B of the LG(MP)Act 1976</p>
5. Power to license operators of hackney carriages and private hire vehicles.	<p>Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>as amended by Section 10 of the Deregulation Act 2015, and as amended by Section 11 of the Deregulation Act 2015, with insertion of Sections 55A & 55B of the LG(MP)Act 1976</p>
6. To determine HC fares and charges.	Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.
7. Power to license sex establishments.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3 as amended by section 27 of the Policing and Crime Act 2009.
8. Power to register premises for acupuncture, tattooing, ear-piercing electrolysis, body piercing and semi-permanent skin colouring.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
9. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907.

Function	Enabling Provision
<p>10. Power to license market and street trading.</p> <p>11. Power to license dealers in game and the killing and selling of game.</p> <p>12. Power to register scrap yards and scrap dealers and to set fees in respect of the Scrap Metal Dealers Act 2013</p>	<p>Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.</p> <p>Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874 , and section 213 of the Local Government Act 1972.</p> <p>Scrap Metal Dealers Act 2013.</p>
<p>13. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.</p> <p>14. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.</p> <p>15. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.</p> <p>16. Power to register animal trainers and exhibitors.</p> <p>17. Power to license zoos.</p> <p>18. Power to license dangerous wild animals.</p> <p>19. Power to license persons to collect for charitable and other causes.</p> <p>20. Power to grant consent for the operation of a loudspeaker.</p>	<p>The Safety of Sports Grounds Act 1975.</p> <p>Part III of the Fire Safety and Safety of Places of Sport Act 1987.</p> <p>Section 1 of the Pet Animals Act 1951;</p> <p>section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970;</p> <p>Section 1 of the Breeding of Dogs Act 1973;</p> <p>and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.</p> <p>Section 1 of the Performing Animals (Regulation) Act 1925</p> <p>Section 1 of the Zoo Licensing Act 1981</p> <p>Section 1 of the Dangerous Wild Animals Act 1976</p> <p>Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939</p> <p>Schedule 2 to the Noise and Statutory Nuisance Act 1993</p>

Function	Enabling Provision
<p>21. Power to approve meat product premises.</p> <p>22. Power to approve premises for the production of minced meat or meat preparations.</p> <p>23. Power to approve dairy establishments.</p> <p>24. Power to approve egg product establishments.</p> <p>25. Power to approve fish products premises.</p> <p>26. Power to license various animal-related establishments.</p>	<p>Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082)</p> <p>Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).</p> <p>Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)</p> <p>Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).</p> <p>Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).</p> <p>Animal Welfare (Licensing of Activities involving Animals (England) Regulations 2018.</p>
<p>26. Power to approve dispatch or purification centres.</p> <p>27. Power to register auction and wholesale markets.</p> <p>28. Power to issue consents for the exhibition, demonstration or performance of hypnotism.</p> <p>29. Duty to keep register of food business establishments.</p> <p>30. Power to register food business establishments</p> <p>31. Power to determine an application for registration as a Motor Salvage Operator.</p> <p>32. Power to object to applications for Goods Vehicle Licensing on environmental and non-environmental grounds</p> <p>33. Provisions relating to smokefree premises</p>	<p>Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</p> <p>Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</p> <p>Sub-section 1 of the Hypnotism Act 1952.</p> <p>Regulation (EU) 852/2004 on the hygiene of foodstuffs; Article 6(2).</p> <p>Regulation (EU) 852/2004 on the hygiene of foodstuffs; Article 6(2).</p> <p>Regulation 4 of the Motor Salvage Operators Regulations 2002.</p> <p>The Goods Vehicles (Licensing of Operators) Act 1995 – Sections 12 and 19.</p> <p>Section 10 - Health Act 2006</p>

Function	Enabling Provision
34. Power to licence Houses in Multiple Occupation of 3 or more storeys and 5 or more people who do not form a family	Section 261 - Housing Act 2004
<p>Functions relating to health and safety at work</p> <p>35. Functions under any of the "relevant statutory provisions" within the meaning of Part I (Health, Safety and Welfare in connection with Work, and Control of Dangerous Substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer.</p>	Part I of the Health and Safety at Work etc. Act 1974
<p>Functions relating to elections</p> <p>36. Power to assign officers in relation to requisitions of the registration officer</p>	Section 52(4) of the Representation of the People Act 1983.
<p>37. To recommend to Council functions in relation to parishes and parish councils.</p> <p>38. To recommend to Council to dissolve small parish councils.</p> <p>39. To recommend to Council to make orders for grouping parishes, dissolving groups and separating parishes from groups.</p> <p>40. Duty to provide assistance at European Parliamentary elections.</p> <p>41. Duty to divide constituency into polling districts.</p> <p>42. Power to divide electoral divisions into polling districts at local government elections.</p> <p>43. Powers in respect of holding of elections.</p>	<p>Part II of the Local Government and Rating Act 1997 (c.29) and subordinate legislation under that Part.</p> <p>Section 10 of the Local Government Act 1972.</p> <p>Section 11 of the Local Government Act 1972.</p> <p>Paragraph 4(3) and (4) of Schedule 1 to the European Parliamentary Elections Act 1978 (c.10)(d).</p> <p>Section 18 of the Representation of the People Act 1983.</p> <p>Section 31 of the Representation of the People Act 1983.</p> <p>Section 39(4) of the Representation of the People Act 1983.</p>

Function	Enabling Provision
44. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.
45. Power to fill vacancies in the event of insufficient nominations in respect of Parish Councils.	Section 21 of the Representation of the People Act 1985.
46. Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972.
47. To recommend to Council proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c.2).
48. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13(2) of the Criminal Justice and Police Act 2001.
49. Power to approve Polling Districts and Polling Places in respect of the District and Parish Wards.	

2. For the avoidance of doubt, in relation to the grant or issue by the Committee of any approval consent, licence, permission or registration, the exercise of the responsibilities for the above functions includes responsibility for:-
- (1) the imposition or amendment, modification or variation of any term, condition, limitation or restriction; or
 - (2) the decision to take enforcement or other action in respect of a breach of any term, condition, limitation or restriction; or
 - (3) the decision to revoke, vary or modify any approval, consent, licence, permission or registration.

Notes

Any delegations to Officers are contained in the Scheme of Delegation to Officers set out at Part 3 of this Constitution.

Part 3 – Responsibility for Functions

JOINT ARRANGEMENTS

West Herts Crematorium Joint Committee

The Council has delegated the powers with respect to the provision and maintenance of Crematoria in its area to the West Herts Crematorium Joint Committee. The terms of reference, membership, functions and rules governing procedures including those of a Personnel Sub Committee appointed by the Joint Committee are at APPENDICES.

Herts Growth Board Integrated Governance Framework

The Council adopted the Framework in October 2020. The Framework was amended in June 2022 and updated as an appendix to the Council Constitution.

LEAD AUTHORITY ARRANGEMENTS FOR SHARED SERVICES

[Shared Services Agreement](#)

[Shared Services Agreement - Schedule 3](#)

[Shared Services Agreement - Schedule 4](#)

Part 3 – Responsibility for Functions

SCHEME OF DELEGATION TO OFFICERS

The powers delegated to officers shall be exercised in accordance with or subject to:-

- (1) The Council Procedure Rules, Contract and Financial Procedure Rules and such other conditions as the Council may from time to time prescribe.
- (2) The necessary financial provision having been made in the approved annual revenue estimates.
- (3) In the case of matters relating to staff, the appropriate National or other Conditions of Service relating to the employees, and any scales of remuneration or schemes approved by the Council.
- (4) Matters are delegated to the post not the individual, unless otherwise specified, and delegation within departments must be consistent with legislative requirements affecting statutory functions.
- (5) No delegation shall be exercised by a member of staff with any sort of personal interest in a matter, without reference to the appropriate Committee of the Council.
- (6) The financial limits and totals set out below shall be updated annually in line with the Retail Prices Index (RPI).

PART A - MATTERS DELEGATED TO THE CHIEF EXECUTIVE, DIRECTOR OF FINANCE AND ASSOCIATE DIRECTORS

1. **Routine Expenditure**

1.1 To incur expenditure up to the amounts approved in the budget subject to compliance with the Council, Contract and Financial Procedure Rules.

1.2 **Virements**

To vire between detailed budget heads excluding direct income within a cost centre, subject to not increasing the Council's budget in future years.

2. **Lost, Damaged and Surplus Equipment**

To write off, with the agreement of the Director of Finance, lost damaged or surplus equipment up to the established value of £1,200 per item, and to dispose of such equipment on the best available terms. Disposals are to be recorded and reported to the next Policy and Resources Committee.

3. **Staffing**

3.1 **Appointments and Promotions**

3.1.1 To make appointments and promotions within the authorised establishment in accordance with the Officer Employment Procedure Rules.

3.1.2 To fix starting salaries at any point within the grade or grades of a post having regard to qualifications and experience.

3.1.3 To approve progression beyond the bar on a salary scale which includes such a limiting factor.

3.1.4 To engage temporary or casual staff for sickness and in emergencies.

3.1.5 Dismissal of employees on the grounds of redundancy.

3.2 ***Discipline***

To discipline an employee in accordance with the laid down Disciplinary Procedure.

3.3 ***Leave***

3.3.1 To grant special leave with pay (i.e. leave associated with the illness or death of a near relative), consistent with the seriousness of the situation.

3.3.2 To grant leave of absence without pay for periods not exceeding two months.

3.3.3 To grant leave for examination studies and for extraneous duties (e.g. Jury Service and Justices of the Peace).

3.3.4 To grant to officers with 5 years' service at Three Rivers District Council permission to take forward 1 week's holiday each year towards taking up to 2 months' leave at any one time in subsequent years.

3.3.5 In exceptional circumstances to authorise officers with less than 5 years' service to carry forward annual leave from one year to the next.

3.4 ***Additional Duties***

To approve in accordance with the provisions of the National Scheme the appropriate payment to an officer, undertaking the full duties of a higher grade post extending over a period of not less than four weeks during the absence for any reason other than annual leave of an officer on a higher grade.

3.5 ***Courses and Post-Entry Training***

To authorise the attendance of officers on courses of study within the training budget approved by the appropriate Committee and to authorise the payment of course fees, etc.

4. ***Tenders and Contracts***

4.1 ***Tenders***

To accept lowest tenders or the most economically advantageous tender for the supply of materials, equipment and constructional work and to accept the highest tender where payment is to be received by the Council provided that:-

- 4.1.1 the tender has been received and opened in accordance with the Contracts Procedure Rules;
- 4.1.2 the tender is within the approved estimate and any necessary loan approval has been received;
- 4.1.3 the total of the contract sum does not exceed £25,000.

4.2 Contracts - Rise and Fall Clauses

- 4.2.1 To approve price variations when they are considered to be justified in contracts for which the Chief Officer is responsible, and which contain fluctuating prices clauses, subject to 10% variation up to a maximum of £6,000 of the total contract value.

5. Letting of Premises

To approve the letting or hiring of Council land, buildings and equipment within policies laid down by relevant Committees.

6. Property Investment Strategy

- 1. The approval process to be:-
 - Acquisition/loan value up to £10m – to be approved by the PIB Chair in consultation with the Lead Member for Resources and Shared Services and the Group Leaders
 - Acquisition/loan value over £10m – to be approved at Policy and Resources Committee.
- 2. The selection criteria to be:-
 - Lowering of the priority of the location “distance from TRDC” criterion
 - Remove the portfolio 50/50 split between residential and commercial
 - Remove the ‘no single property asset should be worth at acquisition more than 25% of the total property portfolio’ criterion

7. Legal Proceedings

- 7.1 To authorise the Associate Director, Legal and Democratic Services (Monitoring Officer) upon advice from Counsel or external solicitors where either are considered necessary, to negotiate an out of court settlement at any time (whether before or after the commencement of proceedings) and to accept terms agreed either upon advice from Counsel or external solicitors or the Associate Director, Legal and Democratic Services (Monitoring Officer).
- 7.2 To authorise the issue of a closure notice for 48 hours under the Anti-Social Behaviour Crime and Policing Act 2014, consistent with the Council’s Community Safety Strategy.
- 7.3 The Chief Executive may designate any other appropriate Housing Provider to issue CPNs and FPNs subject to the Associate Director, Legal and Democratic Services (Monitoring Officer) being satisfied that their proposed designated officers have been appropriately trained, in addition to those set out in 11.26.35.

8. **Urgent Action**

- 8.1 To take such urgent action which is in the best interests of the Council where there is not time to convene the appropriate committee. Such action will be taken in consultation with the Group Leaders which expression shall where necessary for this paragraph 8 include Deputy Group Leaders acting in their place.
- 8.2 Any urgent action taken under 8.1 and in consultation with Group Leaders will whenever possible be by unanimous agreement. The Leader of the Council will at their discretion determine at what point agreement has not been possible having regard to the urgency of the matter. The Chief Executive will give effect to any urgent decision reached by unanimous agreement.
- 8.3 Where agreement has not been reached under paragraphs 8.1 and 8.2, proportionality will be applied to the decision of each group leader to the effect that their decision reflects the number of seats held by their party on the Council and the Chief Executive will act in accordance with the decision of the group.
- 8.4 **Minor Changes to the Council Constitution** - to be delegated to the Chief Executive but to be advised to the Group Leaders 24 hours before the minor change is made.

PART B - MATTERS DELEGATED TO THE SENIOR LEADERSHIP TEAM AND TO INDIVIDUAL OFFICERS

All matters delegated to individual officers may be undertaken by members of the Senior Leadership Team unless inconsistent with legislative requirements.

9. **Senior Leadership Team**

The Senior Leadership Team comprises the Chief Executive, Director of Finance and Associate Directors.

To authorise, subject to such general directions as may be given by the Council, attendance at Conferences within the United Kingdom.

10. **Chief Executive**

Assets of Community Value

- 10.1 *To undertake a formal review of a decision:*
(i) by the Associate Director of Strategy Partnerships & Housing to include any land or property in the Council's list of assets of community value; and
(ii) by the Director of Finance regarding the assessment of any compensation

11. **Director of Finance**

11.1 **Signing Contracts of Land**

Authorise the Associate Director, Legal and Democratic Services (Monitoring Officer) to (1) sign contracts for the sale or purchase of land by the Council; (2) in the absence of the Director of Finance to sign all such documents that he or she is empowered to sign as are necessary to carry out the Council's functions.

11.2 ***Purchase of Property***

The purchase of property under compulsory purchase procedures in accordance with the Valuer's valuation.

11.3 ***Planning***

11.3.1 To decide in consultation with the Head of Regulatory Services applications pursuant to Sections 191 and 192 of the Town and Country Planning Act 1990 (as amended).

11.3.2 To deal after consultation with the Head of Regulatory Services with blight notices and purchase notices and to serve counter notices where appropriate and to initiate negotiations for the acquisition of property in cases where the Council has no discretion but to accept blight notices.

11.4 ***Mortgages and Bonds***

11.4.1 The grant and redemption of mortgages.

11.4.2 Release of contract bonds and other non investment bonds after the notification by the appropriate Chief Officer.

11.5 ***Requisitions for Information***

To serve Requisitions for Information concerning ownership etc. under the appropriate enactments, including planning Contravention Notices under Section 33 of the Planning and Compensation Act 1991 and to institute legal proceedings against any persons failing to comply with a Notice.

11.6 ***Sale of Surplus Land and Buildings***

In consultation with the appropriate Lead Member and appropriate Ward Members. Any need for a planning brief is to be determined in consultation with the appropriate Lead Member.

11.7 ***Off-Street Parking***

To make and confirm minor modifications to the Council's Off-Street Parking Places Order in the event of no objections being received, subject to Members being invited to comment in a similar manner to the consultation scheme for Tree Preservation Orders agreed by Planning Committee on 23 May 1991 (Minute PL19/91 refers), viz, that Ward Members and the Lead Member be notified of the modification and if no response is received within 10 days the Head of Regulatory Services to make or confirm minor modifications.

11.8 ***Borrowing***

To borrow such monies as the Council is authorised to borrow.

11.9 **Payments**

11.9.1 Payment of *ex gratia* sums up to £600 in respect of any one occurrence not covered by insurance, subject to consultation with the respective member of the Senior Leadership Team and the payment met from the appropriate service budget.

11.9.2 Advances from and repayments to funds set up for Specific Purposes.

11.9.3 To determine the validity of claims for compensation made to the Council, together with any ancillary matters, under Section 99 of the Localism Act 2011 in respect of assets of community value, and to make payments as appropriate.

11.10 **Investments**

11.10.1 To make internal or external investments of all monies available for investment and to vary such investments as and when necessary.

11.11 **Debts**

11.11.1 In consultation with the Lead Member (Resources and Shared Services), to accept an offer made to clear a debt owed to the Council above £300 which falls short of the full amount billed provided that:-

- (1) the shortfall is greater than £300
- (2) the shortfall does not exceed £5,000; and
- (3) it is in the best interests of the Council Taxpayers of the District to do so.

11.11.2 The Head of Revenues and Benefits is authorised to write off debts up to £500 per individual account, for Council Tax, Business Rates, Housing Benefit overpayment and Sundry Debts

11.11.3 The Section 151 Officer is authorised to write off of debts between £501 and £3,000 per individual account, for Council Tax, Business Rates, Housing Benefit overpayment and Sundry Debts

11.11.4 To delegate to the Head of Regulatory Services the authority to write- off debts up to £500 per individual account, for specific car parking debts. Car parking debts above this threshold and up to £3,000 to be authorised by the Section 151 Officer.

11.11.5 Recovery of liquidated and unliquidated damages.

11.12 **Leasehold Flats Let with Shops - Recovery of Improvement Work Costs**

To enter into binding agreements for the improvement works with leaseholders of sold flats who cannot be recharged for the cost of such works under the terms of their lease subject to:-

11.12.1 the Head of Property being satisfied that such improvement works can conveniently be added to the programme of an existing contract;

- 11.12.2 the proposed agreement for replacement windows requiring the leaseholder to meet 80% of the cost of supply and installation if any;
- 11.12.3 in all of the cases the proposed agreement requiring the leaseholder to contribute to the cost of improvement works on a fair and reasonable basis being the sum produced by dividing the block costs by the number of flats in the block or on such fair and reasonable basis as the Head of Property deems appropriate in their absolute discretion; and
- 11.12.4 provided that the block costs equal or are less than the estimates agreed by leaseholders.
- 11.13 ***Rating***
- 11.13.1 To agree proposals with the Valuation Officer.
- 11.13.2 To approve applications for mandatory relief under Section 40 of the General Rate Act 1967.
- 11.13.3 To make proposals for the alteration of the Valuation List.
- 11.13.4 To institute proceedings for the recovery of arrears of rates.
- 11.13.5 To approve applications for rate refunds under Section 9 of the General Rate Act 1967 where appropriate certificates have been issued by the Valuation Officer.
- 11.13.6 To grant Temporary Rate Relief for partly occupied property under Section 25 of the General Rate Act 1967.
- 11.13.7 To write off debts in respect of rates up to £150 per property.
- 11.13.8 To grant rate relief under the Rating (Disabled Persons) Act, 19710.
- 11.14 ***Housing Advances***
- 11.14.1 To approve house purchase advances within the scheme approved by the Council.
- 11.14.2 To approve and authorise dealings with properties in mortgage to the Council.
- 11.15 ***Housing Benefit Scheme***
- 11.15.1 To determine that an overpayment for Housing benefit should be made non-recoverable from a claimant.
- 11.15.2 To determine and make awards for Discretionary Housing Payments (DHPs).
- 11.15.3 To determine that an overpayment for Housing benefit which is recoverable, should not be recovered for economic or other reasons including exceptional hardship etc.
- 11.15.4 To agree or refuse a request to backdate the commencement of a claim within legislation.

- 11.15.5 To set the level of a rent for calculation of rent allowance where the Rent Officer has stated that the accommodation is excessive for the claimant's purpose.
- 11.15.6 To determine exceptional circumstance cases.
- 11.16 ***Council Tax/Council Tax Support***
- 11.16.1 To institute proceedings for the recovery of Council Tax.
- 11.16.2 To instruct bailiffs to execute liability orders to recover Council Tax in appropriate circumstances.
- 11.16.3 To conduct a rolling canvass of the District ensuring that the register is maintained as an accurate tax base.
- 11.16.4 To determine and make awards for Discretionary Housing Payments (DHPs).
- 11.16.5 To determine exceptional circumstance cases.
- 11.17 ***National Non-Domestic Rate***
- 11.17.1 To institute proceedings for the recovery of the National Non-Domestic Rate.
- 11.17.2 To instruct bailiffs to execute liability orders to recover the rate in appropriate circumstances.
- 11.17.3 To enter into agreements with ratepayers to discharge their liability where formal recovery proceedings are deemed inappropriate.
- 11.17.4 To issue completion notices to the owner of newly constructed non-domestic properties.
- 11.17.5 To determine whether discretionary rate relief is applicable to NNDR.
- 11.18 ***Recovery***
- 11.18.1 To waive summons/court fees/bailiffs' fees when appropriate.
- 11.18.2 To write off debts and overpayments under agreed limits for economic or other reasons including exceptional hardship etc (to be determined by the Policy and Resources Committee).
- 11.18.3 To waive penalty charges for late payment of invoices.
- 11.19 ***Other Income***
- 11.19.1 To collect and account for all income including rents, charges and fees.
- 11.19.2 To pay Contractors' final accounts, subject to certification by the appropriate Chief Officer.
- 11.19.3 To pay all certified sums due from the District Council.
- 11.19.4 To make Petty Cash reimbursements subject to a maximum of £75 per item inclusive of VAT.

11.20 **Insurance Claims**

11.20.1 To deal with insurance claims for the Council.

11.21 **Salary Awards and Conditions of Service**

11.21.1 To authorise the implementation of National Salary Awards and Conditions of Service, except where the Council is required to exercise discretion.

11.22 **Published Material**

11.22.1 To prepare guide books, maps and other material relating to the District.

11.22.2 To determine fees and conditions for supply of copies or extracts from election documents.

11.23 **Car Loan Scheme, Car Lease Scheme and Cycle Scheme**

To administer the Council's approved Car Loan Scheme, Car Lease Scheme and Cycle Scheme in accordance with conditions prescribed by the appropriate Committee.

11.24 **Regulation of Investigatory Powers Act 2000**

11.24.1 To authorise officers to approve covert surveillance operations, with due regard to Regulation of Investigatory Powers Act 2000 as amended by the Protection of Freedoms Act 2012 (Minutes CL21/06, and EX10/06 and CL67/12 refer) and subject to judicial authorisation.

11.24.2 The Associate Director, Legal and Democratic Services (Monitoring Officer) is the Senior Responsible Officer for the purposes of communications data.

The Head of Finance Shared Services, the Head of Regulatory Services and the Principal Lawyer (Licensing and Litigation) are the designated persons for the purposes of communications data.

The Head of Regulatory Services, the Head of Finance (Shared Services) and the Associate Director – Customer and Community are authorised persons for the purposes of directed surveillance under the Regulation of Investigatory Powers Act 2000 as amended.

Certain officers are authorised under Section 223 of the Local Government Act 1972 to present RIPA cases to Justices of the Peace and to appear on behalf of the Council in court proceedings as set out in the RIPA Access to Communications Data Policy and RIPA Corporate Policy and Procedure for Court Surveillance and the use of Covert Human Intelligence Sources.

11.25 **Highways**

11.25.1 To approve temporary road closures.

11.25.2 To institute prosecutions under the Council's Off Street Parking Places Order.

11.25.3 Authority not to proceed with car parking bay schemes (where the majority of residents have objected) in consultation with the Lead Member (Housing and Planning) and Ward Members.

11.26 ***Numbering and Naming New Streets***

11.26.1 To approve numbering schemes for new development where re-numbering of existing property is not involved.

11.26.2 To approve re-numbering of existing properties.

11.26.3 To approve naming of streets for new developments in cases where agreement cannot be reached under the Council policy for consulting Parish Councils and Ward Members.

11.27 ***Alteration of Street Names***

To approve alteration of street names under Section 18 of the Public Health Act 1925.

11.28 ***Council Sewers***

To approve applications where building works to privately owned properties bridge or are connected to the Council's existing private sewers.

11.29 ***Planning***

11.29.1 That the Head of Regulatory Services is approved and authorised after having ensured that all statutory requirements have been complied with and after considering all representations received, to:-

DETERMINE all types of application submitted under the Town and Country Planning Act 1990 and Planning (Listed Building and Conservation Areas) Act 1990 including the extension of time limits, agreement to minor amendments and non-material amendments to previously approved proposals provided that:-

- (1) For approvals; that they accord with the provisions of the appropriate development plan, other policy guidance or supplementary planning guidance.
- (2) The application had not been called in by any three Members of the District Council's Planning Committee or by the Parish Councils within the specified consultation period, and that the decision would not conflict with any objection received from three Members of the District Council's Planning Committee within the specified consultation period.
- (3) The decision would not conflict with an objection received from an adjoining local authority.
- (4) The Head of Regulatory Services considers it prudent to exercise their delegated authority, failing which they shall report the matter to the appropriate Committee.

- (5) Note Tree Preservation Order applications are specifically dealt with at 12.6 below.

- 11.29.2 Decisions taken by the Head of Regulatory Services in relation to paragraph (1) above shall be incorporated in the Information Bulletin for Members. However, on receipt of a request from not less than three Members of the Planning Committee, or from the appropriate Committee of a Parish Council, any items under paragraph* (2) above shall not be dealt with under delegated powers but referred to the Planning Committee for determination in accordance with the procedure agreed at Minutes ST11/92 and ST32/95, provided such request is received from Members within 28 days of the application appearing on the weekly bulletin or within 21 days of notification of the planning application in the case of the Parish Councils.
- *Right of call-in does not apply to Certificates of Lawfulness Applications and Applications for Prior Approval.
- 11.29.3 To authorise Section 106 obligations and their modification or discharge in cases which would normally be delegated.
- 11.29.4 To take all actions in respect of Environmental Impact Assessments, including but not limited to their approval.
- 11.29.5 To take enforcement action, including the issue of planning contravention notices and notices requiring information as to interests in land, enforcement notices, breach of condition notices, stop notices, temporary stop notices, notices in respect of unauthorised adverts , applications for an injunction (and other related applications) and power to remove/obliterate unauthorised advertisements and associated structures used for unauthorised display, together with any prosecutions arising from a breach of planning control.
- 11.29.6 To authorise the execution of works required by an enforcement notice and recover the costs reasonably incurred in doing so
- 11.29.7 To issue notices pursuant to Section 215 of the Town and Country Planning Act 1990 (as amended) in respect of derelict and untidy land, together with any prosecutions arising from non compliance with an S 215 Notice, under Section 216 of the Town and Country Planning Act 1990.
- 11.29.8 To issue Certificates of Lawful Existing Use or Development and Proposed Use or Development pursuant to Sections 191 and 192 of the Town and Country Planning Act 1990 (as amended)
- 11.29.9 To make determinations, give approvals and agree other matters relating to the exercise of permitted development rights.
- 11.29.10 To serve a completion notice
- 11.29.11 To grant consent for the display of advertisements
- 11.29.12 To authorise entry onto land
- 11.29.13 To require the discontinuance of a use of land

- 11.29.14 To institute prosecutions under Section 210 of the Town and Country Planning Act 1990 (as amended) for contravention of a Tree Preservation Order and for works carried out, which might be prohibited by a Tree Preservation Order, to a tree in a Conservation Area, without notification having been made under Section 211.
- 11.29.15 To determine the level of public consultation other than statutory consultation appropriate to each development control application.
- 11.29.16 To carry out consultations on behalf of the Local Planning Authority on Pastoral Schemes under Section 30 of the Pastoral Measures Act 1968, where no major planning implications are involved, such consultations to be the subject of a subsequent report to the Planning Committee.
- 11.29.17 In consultation with the Associate Director, Legal and Democratic Services (Monitoring Officer) to authorise institution of High Court proceedings under the Town and Country Planning Act 1990 to appeal against a decision of the Secretary of State for Communities and Local Government in planning/enforcement appeals.
- 11.29.18 To make and confirm Footpath Diversion Orders under the Town and Country Planning Acts in the event of no objections being received.
- 11.29.19 To take enforcement action in respect of listed buildings, unlisted buildings within a conservation area including an application for an injunction, temporary listings, Building Preservation Notices and Listed Buildings Enforcement Notices under the Planning (Listed Building and Conservation Areas) Act 1990.
- 11.29.20 To enter into a Heritage Partnership Agreement under the Planning (Listed Buildings and Conservation Areas) Act
- 11.29.21 To grant or refuse requests for planning approval made pursuant to Section 20 and Schedule 17 of the High Speed Rail (London-West Midlands) Act 2017 and to impose conditions on approvals granted.
- 11.29.22 To consent or object to requests for the removal of a Public Call Box (PCB) and/or Call Box Services (CBS) made pursuant to the Communications Act 2003.
- 11.29.23 To determine applications via section 74B of the Town and Country Planning Act 1990 (as amended) for the modification of construction hours tied to a planning permission which specifies the time during which construction activities may be carried out.
Legislation: <https://www.legislation.gov.uk/ukpga/1990/8/section/74B>
- 11.30 ***Building Control, Building Regulations and delegation of functions from other authorities***

All the actions below, whether carried out for TRDC or any local authority for which Hertfordshire Building Control Limited or its subsidiary companies carry out the Building Regulation, Building Control or other functions, or by an Approved Inspector, can only be enacted by the HRS if the relevant notice or

certificate has been submitted to them by a qualified Building Control Surveyor or Approved Inspector.

- 11.30.1 To approve or reject plans under the Building Regulations and other relevant legislation.
- 11.30.2 To determine applications for relaxation and dispensation of Building Regulations.
- 11.30.3 To process and monitor Notices and Certificates submitted under the Building (Approved Inspectors Etc) Regulations.
- 11.30.4 To serve Notices under Section 36 of the Building Act 1984.
- 11.30.5 To carry out inspections and issue certificates in accordance with the terms and conditions of the PRC Homes Scheme Handbook.
- 11.30.6 To carry out (i) all other Building Control work for the Council and (ii) all Building Control work, functions or activities delegated to the Council which are by law delegable only to another local authority.
- 11.31 ***Fire Protection and Means of Escape***
 - 11.31.1 To act under Section 72 of the Building Act 1984 (Means of escape from fire in the case of certain high buildings).
- 11.32 The allocation, lettings and the review and collection of rents in respect of the Council's commercial premises together with the approval for the assignment of leases.
- 11.33 ***Deeds, Licences and Covenants***
 - 11.33.1 To negotiate and agree:–
 - (1) Deeds of Grant, Deeds of Easement and Wayleaves;
 - (2) Licences to include gate, garden and vehicular licences to regulate the use of Council land;
- 11.34 ***Commercial Properties***
 - 11.34.1 To agree the release and/or valuation of restrictive covenants (subject to statutory approval, if necessary).
 - 11.34.2 To institute proceedings relating to business tenancies.
- 11.35 ***Council-Owned Land and Buildings***
 - 11.35.1 To carry out central management and maintenance of Council-owned administrative buildings and depots.
 - 11.35.2 To authorise institution of Court proceedings in respect of Common Law Trespass and Nuisance affecting Council land.
 - 11.35.3 To institute proceedings against itinerants on Council land without permission.

11.35.4 To institute proceedings of any kind against persons responsible for damage to Council owned land; buildings or other property.

11.36 ***Miscellaneous***

11.36.1 To act under Section 79 of the Building Act 1984. (Ruinous and dilapidated buildings and neglected sites.)

11.36.2 To act under Section 73 of the Building Act 1984. (New building overreaching adjacent chimneys).

11.36.3 To act under Section 81 of the Building Act 1984. (Powers of Local Authority in relation to demolitions).

11.36.4 To act under Section 74 of the Building Act 1984. (Cellars and rooms below subsoil water level).

11.36.5 To institute proceedings under Caravan Sites and Control of Developments Acts.

11.36.6 To incur expenditure from the Reserve for Emergencies up to an amount not exceeding £30,000 per annum in carrying out works in response to an emergency, where possible in consultation with the relevant portfolio holder.

11.36.7 To act under Section 37 of the Public Health Acts Amendment Act 1890 (Safety of platforms etc, erected or used on public occasions).

11.36.8 To appoint surveyors under Section 10(8) of the Party Wall Etc Act 1996.

11.37 ***Skips and Scaffolding***

11.37.1 To grant permits/licences for skips and scaffolding.

11.38 ***Licences and Permits***

11.38.1 To institute proceedings in connection with licences and permits.

11.39 ***Enforcement***

Authority for the Head of Regulatory Services, Strategic Housing Manager and Housing Enforcement Officers Environmental Health Managers, Environmental Health Practitioners, Lead Licensing Officers and Licensing Officers, Development Management Officers and authorised Environment Officers (which authority shall, where the context so requires, or admits, include acting as an appointed Authorised Officer or Authorised Inspector where there is a statutory requirement to appoint such officers) to take enforcement action including the issue, signing and service of relevant Notices and, where appropriate, to grant, refuse, renew, transfer or revoke licences in respect of:-

11.39.1 Statutory Nuisance

11.39.2 Provisions of the Control of Pollution Act 1974 relating to control of noise.

- 11.39.3 Provisions of Part 1 of the Environmental Protection Act 1990 relating to Local Authority Air Pollution Control
- 11.39.4 Obstructed and/or defective drains.
- 11.39.5 Industrial and other air pollution under the provisions of the Clean Air Act 1993.
- 11.39.6 Public and private water supplies
- 11.39.7 The provisions of the Food Safety Act 1990 and any European Union and National Regulations pursuant to the European Communities Act 1972 which fall to the Local Authority, as the Food Authority, to enforce.
- 11.39.8 Regulations relating to the hygiene and safety of imported foods which fall to the Local Authority, as the Food Authority to enforce.
- 11.39.9 Provisions of the Sunday Trading Act 1994
- 11.39.10 Provisions of the Health and Safety at Work etc Act 1974 and any Regulations made thereunder
- 11.39.11(a) In consultation with the Proper Officer in relation to Infectious Disease and Food Poisoning, action under the Public Health (infectious Diseases) Regulations 1988 and provisions of the Health Protection (Local Authority Powers) Regulations 2010 and the Health Protection (Part 2A Orders) Regulations 2010.
- 11.39.11(b) Enforcement
- Authority for the Head of Regulatory Services, Environmental Health Managers, Environmental Health Practitioners, Lead Licensing Officers and Licensing Officers, Development Management Officers and authorised Environment Officers (which authority shall, where the context so requires, or admits, include acting as an appointed Authorised Officer or Authorised Inspector where there is a statutory requirement to appoint such officers) to take enforcement action including the issue, signing and service of relevant Notices and, where appropriate, to grant, refuse, renew, transfer or revoke licences in respect of:-
- 11.39.12(a) In consultation with the Proper Officer in relation to Infectious Disease and Food Poisoning, action under the Public Health (infectious Diseases) Regulations 1988 and provisions of the Health Protection (Local Authority Powers) Regulations 2010 and the Health Protection (Part 2A Orders) Regulations 2010.
- 11.39.12(b) Acting as a designated person for the purpose of the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 And any other such Regulations made under the Public Health (Control of Disease) Act 1984
- 11.39.13 Provisions relating to improvement; repair; closure; demolition; overcrowding and over-occupation of individual dwelling houses and houses in multiple occupation
- 11397.14 Caravan Sites
- 11.39.15 Filthy and verminous premises

- 11.39.16 Animal Boarding, Breeding and Riding Establishments
- 11.39.17 Pet Shops
- 11.39.18 Dangerous Wild Animals
- 11.39.19 Tattooists, Acupuncture and Body-Piercing and semi-permanent skin colouring.
- 11.39.20 Prevention of Damage by Pests
- 11.39.21 To waive payment of the charge for disinfestation or pest control service in the case of special need or medical significance
- 11.39.22 Stray Dogs
- 11.39.23 Dangerous Dogs
- 11.39.24 To authorise concessions in respect of charges for Animal Control but only in exceptional circumstances.
- 11.39.25 Seizure and disposal of animals under the Animal Welfare Act 2006.
- 11.39.26 Control of Pesticides Regulations 1986
- 11.39.27 Dogs (Fouling of Land) Act 1996.
- 11.39.28 Part 2A of the Environmental Protection Act 1990 in respect of Contaminated Land.
- 11.39.29 Part 8 of the Anti-Social Behaviour Act 2003 in respect of high hedges and that the Director of Community and Environmental Services be delegated to waive or reduce charges in exceptional circumstances.
- 11.39.30 The Health Act 2006, Smoke-free Premises and Vehicles.
- 11.39.31 Housing Act 2004, sections 235, 239, 240 and 243.
- 11.39.32 Clean Neighbourhoods and Environment Act 2005,
- 11.39.33 Power to license various animal-related establishments under the Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018.
- 11.39.34 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015. Requirements of the Regulations including authorised officers and the setting of penalty charges.
- 11.39.35 That the following be authorised persons to issue a fixed penalty notice under Section 68 of the Anti-Social Behaviour, Crime and Policing Act 2014:
 - Public Spaces Protection Order (Three Rivers District Council) 2016
PSPO 1 of 2016Persons authorised to issue FPNs for breach of this PSPO are as follows:

Authorised by Resolution of the Council on 23 February 2016:

Environmental Enforcement Manager – TRDC
All Environmental Enforcement Officers – TRDC
All Park Rangers and any Senior Park Rangers – TRDC
All Play Rangers – TRDC
Animal Welfare and Licensing Inspector – TRDC
Senior Ranger - Croxley Green Parish Council
Ranger – Croxley Green Parish Council

Authorised by the Chief Executive under their delegated powers to add
Authorised Persons

Rangers – Chorleywood Parish Council
Clerk to Chorleywood Parish Council
Clerk to Watford Rural Parish Council
Clerk to Sarratt Parish Council

And that the Chief Executive be delegated to add authorised persons as required.

- 11.39.36 To authorise action under the Anti-Social Behaviour Crime and Policing Act 2014 and all powers and remedies under that Act, consistent with the Council's Community Safety Strategy.

That the following be authorised persons to issue Community Protection Notices (CPNs) and Fixed Penalty Notices (FPNs) for the breach of CPNs:

Environmental Enforcement Officers, Strategic Housing Manager, Housing Operations Manager, Executive Head of Services, Team Leader – Development Manager, Lead Licensing Officer, Licensing Officer, Technical Licensing Officer, Housing Enforcement Officers, Animal Welfare and Licensing Inspector, Head of Community Partnerships, Community Safety Intervention Officer, ASB Officer and Partnerships Manager and that they be delegated to add authorised persons as required.

To designate Housing Providers Thrive Homes and Watford Community Housing to issue Community Protection Notices (CPNs) and Fixed Penalty Notices (FPNs) for the breach of CPNs subject to the Associate Director, Legal and Democratic Services (Monitoring Officer) being satisfied that their proposed designated officers have been appropriately trained.

11.40 **Licensing**

Authority for the Head of Regulatory Services, Development Management Officer, Lead Licensing Officer and Licensing Officer to take enforcement action including the issue, signing and service of relevant Notices and, where appropriate, to grant, refuse, review, renew, suspend, transfer or revoke licences in respect of:-

11.40.1 Licensing Act 2003

- (1) To determine an application for a personal licence if no representation is made (Section 120).

- (2) To determine an application for a premises licence / club premises certificate if no representation is made (Section 18).
- (3) To determine an application for a provisional statement, if no representation is made (Section 31).
- (4) To determine an application to vary a premises licence / club premises certificate, if no representation is made (Sections 35 and 84).
- (5) To determine an application to vary a designated premises supervisor if no Police representation is made (Section 39).
- (6) To determine a request to be removed as a designated premises supervisor (Section 41).
- (7) To determine an application for transfer of a premises licence, if no Police representation is made (Section 44).
- (8) To determine applications for interim authorities, if no Police representation is made (Section 47).
- (9) To apply to review a premises licence under section 51(1) Licensing Act 2003
- (10) Decisions, in all cases, on whether a complaint is irrelevant, frivolous, vexatious etc (Sections 18, 31, 35, 51, 72, 85 and 87).
- (11) Disapplication of mandatory conditions for community premises (Sections 25(A)2 and 41(D)3
- (12) To determine minor variations of club premises certificates or club premises licences if no representations are made (section 41 (A) and (C)).
- (13) To consider the effects of the Policing and Crime Act 2017 and the Immigration Act 2016 on the Licensing Act 2003 and the changes in the application processes and powers available to a Licensing Authority.

11.40.2 *Gambling Act 2005*

- (1) To determine licence applications for gambling premises where no objections have been received.
- (2) To grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises under the Gambling Act 2005, but not licensed for gambling, where the number of machines is not greater than two.
- (3) To register small lotteries below the threshold of £20,000.
- (4) To acknowledge Temporary Use Notices.
- (5) To receive Occasional Use Notices.

- (6) To provide information to the Gambling Commission regarding details of licences issued.
 - (7) To maintain a register of applications for premises licences and of any licences or permits issued for gaming machines.
 - (8) To issue club gaming permits and club machine permits.
- 11.40.3 Scrap Metal Dealers (2013 Act)
- 11.40.4 Hackney Carriage and Private Hire Vehicles, Operators and Drivers
- 11.40.5 Small Society Lotteries (Sections 16-19 of the Gambling Act 2005)
- 11.40.6.1 Street Trading (other than ice cream vendors). Ward Members to be consulted in all such matters other than the taking of any enforcement action
- 11.40.6.2 Street trading by Ice Cream vendors in specific or multiple streets
- a) A standard set of conditions be applied to all applications for street trading by ice cream vendors.
 - b) Members of the Regulatory Services Committee to be notified of an application for any/all street consents by ice cream vendors
 - c) the consent be issued unless a Member has a clear, substantial and specific objection to the grant of the consent. Applications will be referred to the Regulatory Services Committee to determine in exceptional circumstances only
- 11.40.7 House-to-House and Street Collections
- 11.40.8 Hypnotism Act 1952.
Power to license performances of hypnotism under the Hypnotism Act 1952 including granting, refusing, revoking, suspending, issuing formal cautions and initiating legal proceedings.
- 11.40.9 To determine applications under the Business and Planning Act 2020 re off sales extensions and pavement licenses being granted as a result of the Covid 19 pandemic.
- 11.41 **Community Infrastructure Levy (CIL)**
- 11.41.1 Responsible for the administration, collection, enforcement and monitoring of CIL in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).
- 11.42 **Right to Build Register**
- 11.42.1 To maintain, administer and take all necessary steps to process the Right to Build Register
- 11.43 **Brownfield Land Register**
- 11.43.1 To maintain, administer, review and take all necessary steps to process the Brownfield Land Register are given to the Director of Community and Environmental Services and/or Head of Planning and Policy Projects.

11.44 ***Dangerous Structures and Excavations***

11.44.1 To deal with dangerous structures under Section 78 of the Building Act 1984.

11.44.2 To deal with dangerous excavations under Section 25 of the Local Government (Miscellaneous Provisions) Act 1976.

Associate Director – Customer and Community

12.1 ***Tree Preservation Order Applications***

That the Associate Director – Customer and Community is approved and authorised after having ensured that all statutory requirements have been complied with and after considering all representations received, to:-

DETERMINE all types of applications submitted under the Town and Country Planning Act 1990 and Planning (Listed Building and Conservation Areas) Act 1990 relating to trees protected by Tree Preservation Order or by virtue of growing with a designated Conservation Area; specifically,

To approve or issue a Tree Replacement Notice under Section 207 of the Town and Country Planning Act 1990

12.1.1 To authorise the making of Tree Preservation Orders in cases of urgency and to authorise and make and confirm Tree Preservation Orders where no objections have been received.

12.1.2 To revoke Tree Preservation Orders only in cases where significant trees on the site are also protected by other Tree Preservation Orders.

12.1.3 To modify Orders at the confirmation stage to correct drafting inaccuracies.

12.1.4 (1) To grant or refuse, following consultation with Members, via the Tree Bulletin, applications to lop, top or fell trees within a Tree Preservation Order or on land in the Council's ownership; note that specifically in relation to applications to fell protected trees where they are implicated in subsidence claims, Members will be made aware of these applications via the weekly tree bulletin but will no longer be able to call in such applications to Planning Committee (as in 12.5.2 of the Scheme of Delegation).

(2) To determine, following consultation with Members, via the Tree Bulletin, applications to lop trees where such work is necessary in the interests of good forestry practice or to ensure the future health and safety of a tree;

(3) To determine whether the Council's consent is required in cases where it is claimed the tree is dead, dying or dangerous or to abate a nuisance; and

(4) To consider, following consultation with Members via the Tree Bulletin, notices affecting trees in Conservation Areas and to determine whether or not a Tree Preservation Order should be made.

- (5) To deal with hedgerow removal notices, following consultation with Members via the Tree Bulletin.

12.2 ***Entertainment and Catering***

To authorise artistes' contracts up to £4,000 for individual performances or £15,000 for each week of performance contract and be responsible for the provision of entertainment and Council catering services.

12.3 ***Recreation Grounds and Leisure Facilities***

12.3.1 To let recreation grounds and leisure facilities operated by the Council.

12.3.2 To let grounds for fetes etc, in accordance with Council policy.

12.3.3 To vary the charges made for leisure and recreation facilities in accordance with Council policies and commercial realities.

12.4 ***Grave Spaces, Headstones and Monuments***

To approve grants of grave spaces and approve headstones and monuments.

12.5 ***Open Spaces Byelaws***

Proceedings in connection with Breach of Byelaws relating to open spaces.

12.6 ***Recycling***

To implement the Council's policies on recycling issues.

12.7 ***Contracts for Clinical Waste, Refuse etc***

12.7.1 To implement and monitor contracts for the collection and disposal of clinical waste, refuse collection, recycling, street cleansing (including grass cutting) grounds maintenance, and abandoned vehicles.

12.7.2 To vary the charges made for clinical waste collection, commercial waste and recycling collections, special (bulky) waste collection and prescribed waste collection in accordance with Council policies and commercial realities.

12.8 ***Allotments***

To let and manage allotments including service of Notices of Forfeiture on unsatisfactory tenants.

12.9 ***Animal Control***

12.9.1 To implement a full Animal Control Service, including enforcement in relation to dog control and fouling.

12.9.2 To issue community protection notices and or a fixed penalty notice under the Anti Social Behaviour Crime and Policing Act 2014.

- 12.9.3 That the Animal Welfare and Licensing Inspector be authorised to enforce the Microchipping of Dogs (England) Regulations 2015 (Section 12 of the Animal Welfare Act 2006(a).

And

That the Chief Executive may authorise other persons to enforce the regulations.

12.10 ***Appointed Inspectors***

To authorise the Animal Welfare and Licensing Inspector and Pest Control Officer as appointed Inspectors under S51 of the Animal Welfare Act 2006.

Associate Director – Strategy, Partnerships and Housing

13.1 ***Housing***

- 13.1.1 *Allocations* – To allocate and let dwellings and garages including reciprocal nominations with other local authorities.

- 13.1.2 *Homelessness* – To carry out the Council's statutory obligations in respect of homelessness including investigation and decisions on homelessness and priority need.

- 13.1.3 *Nominations* – To make nominations to appropriate housing bodies, including Housing Associations and/or developers building for sale on licence.

- 13.1.4 *Defective Dwellings* – To issue Notices, approve and authorise repurchases and approve grants under the relevant Housing Legislation.

- 13.1.5 *House Renovation and Small Works Grants* – To deal with all applications for Disabled Facilities Grants within the current statutory, mandatory limits. To determine applications for Renovation, Common Parts, Houses in Multiple Occupation and Group Repair Scheme. Grants in excess of £31,000 to be referred to the Policy and Resources Committee. To determine applications for Home Repair Assistance Grants within current statutory, mandatory limits **except** that applications for Home Repair Assistance in respect of Mobile Homes and Houseboats to be referred to the Policy and Resources Committee for decision.

- 13.1.6 *Private Sector Housing - Works in Default Policy* – To authorise the Head of Housing Services, Residential Environmental Health Manager (Environmental Health) and authorised Housing Enforcement Officers to implement works in default valued up to £4,500 in respect of private sector housing enforcement and service reconnections.

13.2 ***Assets of Community Value***

- 13.2.1 In consultation with a small panel of officers, such panel to have first considered any representations made by relevant local ward councillor(s), to consider and determine applications under the Localism Act 2011 for buildings and other land to be listed as land of community value, together with any ancillary matters.

13.3 Clean Neighbourhoods and Environment

13.3.1 To take enforcement action in respect of its powers and duties as a Local Authority and a Waste Regulation Authority under all applicable legislation including the Clean Neighbourhoods and Environment Act 2005 (Minutes CL79/05 and EX178/05 refer), Environmental Protection Act 1990, Refuse Disposal (Amenity) Act 1978, Anti-Social Behaviour Act 2003, Control of Pollution Act 1974 Section 61, Control of Pollution (Amendment) Act 1989, Anti-Social Behaviour Crime and Policing Act 2014, the Waste (England and Wales) Regulations 2011, the Controlled Waste (England and Wales) Regulations 2012, the Unauthorised Deposit of Waste (Fixed Penalty) Regulations 2016, The Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018, Environmental Offences Regulations 2017 and the Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018:-

13.3.2 That the Associate Director – Strategy, Partnerships and Housing, Head of Regulatory Services, Strategic Housing Manager, Senior Housing Enforcement Officer and Housing Enforcement Officer be authorised to enforce the powers given to local authorities under the Clean Neighbourhood and Environment Act (CNEA) 2005;

13.3.3 That the Associate Director, Strategy, Partnerships and Housing, Head of Regulatory Services, Strategic Housing Manager, Senior Housing Enforcement Officer and Housing Enforcement Officer to approve prior consent for noisy works under Section 61 of the Control of Pollution Act 1974.

13.3.4 That the Associate Director, Strategy, Partnerships and Housing, Head of Regulatory Services, Strategic Housing Manager, Senior Housing Enforcement Officer and Housing Enforcement Officer be permitted to issue Fixed Penalty Notices in respect of legislation as detailed below:-

- (1) Offence of abandoning a vehicle (Sections 2A, 2B, 2C of Refuse Disposal (Amenity) Act 1978
- (2) Offence of dropping litter (to include the practice of placing black bags of refuse out on street after refuse collection day) (Section 88 of Environmental Protection Act 1990) and Littering from Vehicle Outside London (Keepers: Civil Penalties) Regulations 2018
- (3) Act of graffiti / failure to remove graffiti (Section 43 to 47 Anti-social Behaviour Act 2003)
- (4) Failure to produce authority to transport waste (Sections 5B and 5C Control of Pollution (Amendment) Act 1989
- 5) Failure of a business to produce a 'Duty of Care' certificate appertaining to its waste collection (Section 34A Environmental Protection Act 1990)
- (6) Failure of residents to use the recycling boxes / wheeled bins provided correctly ie placing recyclables within the wheeled bin, or placing excess waste out on street for collection (Sections 47ZA and 47XB Environmental Protection Act 1990).

- (7) Failure by businesses to contain their waste to the containers provided (Sections 47ZA and 47ZB Environmental Protection Act 1990).
- (8) The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 – Section 33 FPN
- (9) Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018 – the Section 34 householder FPNs.
- (10) The Unauthorised Deposit of Waste (Fixed Penalty) Regulations 2016

13.3.5 That the Associate Director, Strategy, Partnerships and Housing, Head of Regulatory Services, Strategic Housing Manager, Senior Housing Enforcement Officer and Housing Enforcement Officer be authorised to enforce provisions under the Clean Neighbourhood and Environment Act 2005 (CNEA) relating to the sale of vehicles and repair of vehicles on the road, as detailed below:-

- (1) Exposing vehicles for sale on a road

It is an offence if at any time two or more vehicles are parked within 500 metres of each other on a road or roads, where the vehicles are parked in order to be sold. This offence is not intended to target private individual sellers of single vehicles, but rather the nuisance that is caused by the presence of numbers of vehicles being offered for sale by the same person or business. A road is defined as 'any length of highway or of any other road to which the public has access' (CNEA 2005 Part 2, Section 3).

- (2) Repairing vehicles on a road

It is an offence to carry out "restricted works" to vehicles on a road. Restricted works are "works for the repair, maintenance, servicing, improvement or dismantling of a motor vehicle or any part of or +accessory to a motor vehicle". It is not intended to target private individuals who are carrying out minor work to their vehicles (unless the repairs cause annoyance to persons in the vicinity), or those who carry out necessary work to vehicles by the side of the road due to a breakdown or accident (CNEA 2005 Part 1, Section 4).

The Act allows for the issuing of Fixed Penalty Notices, set at £100 for the above two offences (CNEA 2005, Part 2, Sections 6-9).

13.3.6 To authorise officers to carry out enforcement detailed within Clean Neighbourhood and Environment Act 2005, Environmental Protection Act 1990; Refusal Disposal (Amenity) Act 1978; Anti-social Behaviour Act 2003; Control of Pollution Act 1974 Section 61, Control of Pollution (Amendment) Act 1989, Anti-social Behaviour Crime and Policing Act 2014, the Waste (England and Wales) Regulations 2011, the Controlled Waste (England and Wales) Regulations 2012, the Unauthorised Deposit of Waste (Fixed Penalty) Regulations 2016, the Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018, Environmental Offences Regulations 2017, and the Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018.

13.4 **Public Spaces Protection Order (Three Rivers District Council) Shepherd Primary School (PSPO1 of 2018)**

This has expired.

13.5 **Goods Vehicle Operator Licensing – Objections**

To authorise the Residential Environmental Health Manager (Environmental Health), Associate Director, Legal and Democratic Services (Monitoring Officer) or Principal Projects Manager to lodge an objection under the provisions of Sections 12 and 19 of the Goods Vehicles (Licensing of Operators) Act 1995.

13.6 The Health Protection Regulations (Coronavirus)

13.6.1 In relation to:

- i. The Health Protection (Coronavirus, Restrictions) (No.2) (England) Regulations 2020 No. 684
- ii. The Health Protection (Coronavirus, Restrictions) (No.3) (England) Regulations 2020 No. 750
- iii. The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020 No. 1005
- iv. The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020 No. 1008
- v. The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 No. 1045
- vi. The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium), (High) and (Very High) (England) Regulations 2020 Nos. 1103, 1104 and 1105
- vii. The Health Protection (Coronavirus, Restrictions) (No.4) (England) Regulations 2020 No. 1200
- viii. The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 No. 1374
- ix. The Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020 No. 1375
- x. The Health Protection (Coronavirus, Restrictions) (All Tiers and Obligations of Undertakings) (England) (Amendment) Regulations 2020 No. 1611
- xi. The Health Protection (Coronavirus, Restrictions) (No.3) and (All Tiers) (England) (Amendment) Regulations 2021 No. 8
- xii. And any other such Regulations made under the Public Health (Control of Disease) Act 1984

The officers named below are designated as authorised persons to enforce the provisions of the regulations and to issue notices to the extent set out in the regulations. This designation includes any amendment or addition to the regulations, any regulations of similar or wider effect and any regulations that replace SI 2020/684, SI 2020/750, SI 2020/1005, SI 2020/1008, SI 2020/1045, SI 2020/1103, SI 2020/1104, SI 2020/1105, SI 2020/1200, SI 2020/1374, SI 2020/1375, SI 2020/1611 or SI 2021/8 (with or without re-enactments). Officers of Watford Borough Council act as officers of Three Rivers District Council pursuant to the Shared Services Lead Authority Agreement and for the purposes of discharging the relevant functions of Three Rivers District Council.

List of appointed officers

Group Head of Community & Environmental Services, Watford Borough Council

Head of Regulatory Services, Three Rivers District Council
Head of Community Partnerships, Three Rivers District Council
Officers appointed by one of the above Heads of Service to act as an Authorised
Person for the purposes of the Regulations

PROPER OFFICER SCHEDULE

LOCAL GOVERNMENT ACT 1972 (AS AMENDED)

Section of Act	Proper Officer's Functions	Specified Officer
83(1)-(4)	Witness and receipt of declarations of acceptance of office.	Chief Executive
84	Receipt of declaration of resignation of office.	Chief Executive
88(2)	Convening of meeting of Council to fill casual vacancy in the office of Chair.	Chief Executive
89(1)(b) 87	Receipt of notice of casual vacancy from local government electors, and giving public notice of a casual vacancy.	Chief Executive
96(1)	Receipt of notices of pecuniary interest.	Monitoring Officer
96(2)	Keeping record of disclosures of pecuniary interest under Section 94, and of notices under Section 96(1).	Monitoring Officer
100B(2)	Exclusion of reports from publication.	Chief Executive
100B(7)(c)	Supply of additional information on Committee items to Press.	Chief Executive
100C(2)	Preparation of summary of Committee proceedings held in private.	Chief Executive
100D	Listing and making available background papers to reports.	Chief Executive
100F(2)	Identification of documents not required to be open to inspection by Members.	Chief Executive
115(2)	Receipt of money due from officers.	Director of Finance
146(1)(a) and (b)	Declaration and certificates with regard to securities.	Director of Finance
151	Administration of financial affairs.	Director of Finance
191	Functions with respect to Ordnance Survey.	Head of Regulatory Services

Section of Act	Proper Officer’s Functions	Specified Officer
204(3)	Notice of application for licence under Sch 2 Licensing Act 1964.	Head of Regulatory Services
210(6) and (7)	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities or, if there is no such office, to proper officers.	Chief Executive
225(1)	Deposit of documents.	Chief Executive
228(3)	Accounts of “any proper officer” to be open to inspection by any Member of the authority.	Director of Finance
229(5)	Certification of photographic copies of documents.	Chief Executive
234(1) and (2)	Authentication of documents.	Chief Executive
236(9)	To send copies of byelaws for Parish records.	Chief Executive
236(10)	To send copies of byelaws to the County Council.	Chief Executive
238	Certification of byelaws.	Chief Executive
39	Electoral Registration Officer	Chief Executive
Schedule 6 Para 1	Appointment of deputy to registration officer.	Chief Executive
41	Returning Officer	Chief Executive
Schedule 12 Para 4(2)(b)	Signature of summonses to Council meetings.	Chief Executive
Para 4(3)	Receipt of notices regarding address to which summons to meeting is to be sent.	Chief Executive
Para 25(7)	Certification of resolutions under para 25 of Schedule 14.	Chief Executive
Schedule 16 Para 28	Receipt on deposit of lists of protected buildings (Section 54(4) of the Town and Country Planning Act 1971)	Head of Regulatory Services

LOCAL GOVERNMENT FINANCE ACT 1988

Section of Act	Proper Officer's Functions	Specified Officer
114	Duty to report to Council on financial position in defined circumstances	Director of Finance

LOCAL GOVERNMENT AND HOUSING ACT 1989

Section of Act	Proper Officer's Functions	Specified Officer
Section 4	Head of Paid Service	Chief Executive
Section 5	Monitoring Officer	Associate Director, Legal and Democratic Services (Monitoring Officer)
Section 19	Receipt of General Notices and the maintenance of records of information contained in such notices.	Chief Executive

**THE PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984 (THE ACT) AND
THE PUBLIC HEALTH (INFECTIOUS DISEASES) REGULATIONS 1988
(THE REGULATIONS)**

Section of Act	Proper Officer's Functions	Specified Officer
Sections 11, 18, 20, 21, 22, 24, 29, 31, 32, 36, 40, 43, 48 and 59 of the Act and all the Regulations made thereunder including the provisions of the Health Protection (Local Authority Powers) Regulations 2010 and the Health Protection (Part 2A Orders) Regulations 2010.	All the provisions of the Public Health (Control of Diseases) Act 1984 conferring powers or duties upon a Proper Officer or an authorised officer and the provisions of Regulations made under the said Act.	Any consultant in Communicable Disease Control of the East of England Health Protection Team as Proper Officer for Three Rivers District Council in respect of the Public Health (Control of Diseases) Act 1984 (as amended) and all Regulations made hereunder.

THE NATIONAL ASSISTANCE ACT 1948

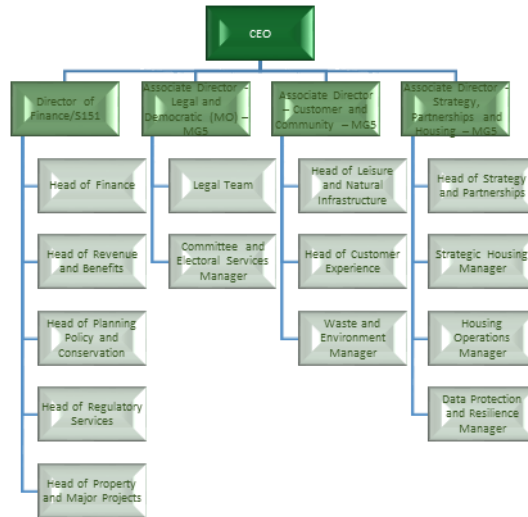
Section of Act	Proper Officer's Functions	Specified Officer
Section 47	To make application for any such order as is authorised by Section 47 of the National Assistance Act 1948 (removal of persons in need of care and attention).	Associate Director Strategy, Partnerships and Housing

Part 7

Three Rivers District Council

Management Structure

Part 7 - Three Rivers District Council - Management Structure



THREE RIVERS DISTRICT COUNCIL

MANAGEMENT STRUCTURE

DEPARTMENTAL AND OFFICER RESPONSIBILITIES

1. CHIEF EXECUTIVE

- 1.1 The Chief Executive is the head of the Council's paid service and has authority over all other officers so far as this is necessary for the efficient management and execution of the Council's functions.
- 1.2 The Chief Executive is the leader of the officers' management board and the Council's principal adviser on matters of general policy. As such it is their responsibility to secure co-ordination of advice on the forward planning of objectives and services and to lead the management board in securing a corporate approach to the affairs of the authority generally.
- 1.3 Through leadership of the officers' management board the Chief Executive is responsible for the efficient and effective implementation of the Council's programme and policies and for ensuring that the resources of the authority are most effectively deployed towards those ends.
- 1.4 Similarly the Chief Executive shall keep under review the organisation and administration of the authority and shall make recommendations to the Council through the Policy and Resources Committee if major changes are required in the interests of effective management.
- 1.5 The Chief Executive is responsible for the maintenance of good internal and external relations.

2. DIRECTORATE OF FINANCE

Shared Services

From 1 April 2014 the Council has entered into a Lead Authority agreement with Watford Borough Council covering the following services:

Finance, Revenues and Benefits, Human Resources, Information and Communications Technology and Procurement.

Watford Borough Council will be the Lead Authority for ICT Client Side, Human Resources and Procurement and Three Rivers will be the Lead Authority for Finance and Revenue and Benefits.

The Shared Director of Finance for the Council exercises strategic oversight in respect of Finance and Revenues and Benefits for Three Rivers and they perform the same function in respect of Human Resources and Information Technology for Watford Borough Council.

Corporate Planning Programming Review.

The preparation of local plans, development control, building control, local land charges, entertainment licences, planning enforcement and planning advice relating to all the Council's functions where relevant.

Highways

All services required for the road network on Highways Partnership (including District) roads and advice on all engineering aspects for all the Council's Departments.

Functions of the Directorate include:-

2.1 Finance

- 2.1.1 Accounting Services.
- 2.1.2 Borrowing and Investment of Funds.
- 2.1.3 Management of Reserves and Provisions.
- 2.1.4 Internal and Management Audit.
- 2.1.5 Insurances.
- 2.1.6 Payment of Sums Due.
- 2.1.7 Housing Advances.
- 2.1.8 Co-ordination of Budget Preparation, Capital Estimates and Programme.

2.2 Revenues and Benefits

- 2.2.1 Administration of Housing Benefits Scheme.
- 2.2.2 Rating Matters.
- 2.2.3 Council Tax and National Non-Domestic Rate.
- 2.2.4 Debt Collection Enforcement.
- 2.2.5 Collection of All Sums Owed Including Rents.

2.3 Planning Policy & Conservation including development plans - structure and local.

2.4 Property Services

- 2.4.1 Facilities management
- 2.4.2 Property & Major Projects including asset management, sustainability planning and projects and property maintenance. Valuation Services. Provision of Building Surveying Services for all Departments. Energy Conservation and Sustainability projects.

2.5 Regulatory Services

- 2.5.1 Planning, Development Management and Planning Enforcement including development control. "Approved Inspector" in accordance with the terms and

conditions of the PRC Homes Scheme Handbook. Strategic transportation. Capital and Revenue Grants Scheme.

- 2.5.2 Conservation areas and building preservation.
- 2.5.3 Licensing. Licences and permits relating to entertainment, alcohol and gambling.
- 2.5.4 Land & Property Information Community Infrastructure Levy (CIL). All matters relating to Ordnance Survey maps and map information. Local Land Charges.
- 2.5.5 Transport and Parking including control and maintenance of off-street car parks and public lighting for district footpaths.
- 2.5.6 Building Control including dangerous structures and excavations, control of demolitions, ruinous and dilapidated buildings, means of escape from certain buildings and the safety of platforms etc used on public occasions.
- 2.5.7 Commercial Environmental Health including Environmental health licensing. Food hygiene and safety including sampling. Statutory duties under public health legislation.

3. DIRECTORATE OF LEGAL & DEMOCRATIC SERVICES

The Associate Director of Legal & Democratic Services is responsible for:

- 3.1 Legal Services.
- 3.2 Elections and Electoral Registration.
- 3.3 Committee Administration and document management.
- 3.4 Member Services
- 3.5 Implementation and administration of the Council's Civic Award Scheme.

4. DIRECTORATE OF CUSTOMER & COMMUNITY

The Director of Customer & Community is responsible for:

- 4.1 **Customer Experience.**
 - 4.1.1 Communications including press, media and PR including promotion of entertainments on behalf of the Council
 - 4.1.2 Digital Services including social media, online forms, website and intranet
 - 4.1.3 Customer Service Centre including call centre, email enquiries and Visitor Centre
 - 4.1.4 Management of Watersmeet Theatre
- 4.2 **Leisure and Natural Infrastructure**
 - 4.2.1 Natural infrastructure including trees & biodiversity including Tree Preservation Orders. Preparation, initiation and implementation of tree planting schemes and other environmental improvement schemes.

4.2.2 Leisure Services including leisure development, leisure venues, parks & open spaces. The development and promotion of all sporting facilities, the provision and maintenance of public golf courses, swimming pools, management of public halls including catering and the development of cultural facilities. The maintenance of parks, playing fields, open spaces, cemeteries, provision and maintenance of marinas and sailing water, woodlands and picnic areas, the management and development of allotments and leisure gardens. Arts Development. Sports Development. Play Development and Play Areas. Pitch Bookings. Provision and development of Management of Rickmansworth Golf Course, Fairway Inn, William Penn Leisure Centre, Sir James Altham Swimming Pool, The Centre, South Oxhey.

4.3 Environmental Protection & Waste Services

4.3.1 Grounds Maintenance

4.3.2 Street cleansing.

4.3.3 Grounds maintenance.

4.3.4 Bins including refuse collection, recycling, home composting and cesspool emptying. Administration of the Refuse Disposal (Amenity) Act 1978. Control of centralised transport and mechanical equipment.

4.3.5 Environmental Protection – animal control, cemeteries, fly tipping, public health funerals. These include a range of contracted services under the Local Government Planning Act 1980 (DLOs) and the Local Government Act 1988 (DSOs) such as refuse collection, street cleansing, recycling and clinical waste. Animal welfare including stray dogs. Health and Safety at Work concerning employees and works undertaken on behalf of the Council. Enforcing the provisions of the Health and Safety at Work Etc Act 1974 in those classes of premises specified under the Health and Safety (Enforcing Authority) Regulations 1977 and advising the Council on those functions under this legislation in relation to its own buildings and practices. Public conveniences. Statutory duties under public health legislation. Administration of the Shops Acts and Sunday Trading Act. Noise and pollution control. Providing a pest control service and enforcing legislation relating to pest control in private premises.

4.4 Climate Change & Sustainability

5. DIRECTORATE OF STRATEGY, PARTNERSHIPS & HOUSING

The Director of Strategy, Partnership & Housing is responsible for:

5.1 Strategy & Partnerships

5.1.1 Community Safety

5.1.2 Partnerships including Major Projects Board.

5.1.3 Emergency Planning, FOI and Data Protection. Responsibility for the operation of the Council's emergency standby services. Business Continuity, Risk management, Data protection. Co-ordination of the Civil Emergencies Plan.

5.2 Housing Services

5.2.1 Housing Strategy and Residential Environmental Health. Advising the Council on housing policy, including supply and demand. Advising private tenants on welfare matters. Home Energy Efficiency. Provision of aids for residents with physical disabilities. Home Repair Assistance and Renovation Grants including, Disabled Facilities Grants, and Houses in Multiple Occupation. Administration of the Housing Acts in relation to the private sector including all aspects of housing in multiple occupation. A building maintenance contracting service to Council housing and buildings.

5.2.2 Homelessness, Housing Register and temporary accommodation. Estimation of Council housing demand and supply. Maintaining the Housing Waiting List. Dealing with homeless people.

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COUNCIL APPOINTMENTS TO COMMITTEES

1 Summary

- 1.1 The purpose of this report is to consider the impact on the political balance of the Council, the allocation of Committee seats and appointment of Chair of two committees following a Councillor's decision to sit as an independent member.

2 Details

Background

- 2.1 On 12th February 2024, Councillor Roger Seabourne resigned from the Liberal Democrat Group, electing to sit as an independent councillor. As a result, review of the Council's political proportionality is required.

- 2.2 In addition, Councillor Seabourne had been appointed to act as Chairman of the Regulatory Services and Licensing Committees; a position normally held by a member of the majority group. As Councillor Seabourne is no longer part of the majority group it will be necessary for a new Chairman to be appointed to these Committees.

Review of Political Proportionality

- 2.3 Section 15 of the Local Government and Housing Act 1989 imposes a duty on the District Council to review the allocation of seats on its committees between political groups as soon as reasonably possible following any change to the political groups.
- 2.4 Political groups are allocated seats proportionate to their size, subject to the majority group being first given a majority of seats on the committees.

Number of Seats on Committees

- 2.5 The table below shows the number of seats allocated to each committee:

Committee	Number of Seats
Council Tax Setting Committee	5
Planning Committee	11
Regulatory Services Committee	11
Licensing Committee	11
Policy and Resources Committee	13
Infrastructure, Housing and Economic Development Committee	11
Leisure, Environment and Community Committee	11
Audit Committee	9
TOTAL	82

- 2.6 In accordance with the legislation, the following principles should apply to the allocation of seats as far as reasonably practicable:

- i. That not all the seats on the body to which appointments are being made are allocated to the same political group;
- ii. That the majority of the seats on each committee are allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
- iii. Subject to (1) and (2) above, when allocating seats to a political group, the total number of their seats across all the ordinary committees of the Council, must reflect their proportion of the authority's membership; and
- iv. Subject to (1) to (3) above, that the number of seats on each committee is as far as possible in proportion to the group's membership of the authority.

2.7 The political balance of the Council can be calculated by using the following formula:

$$\text{No. of Group Members}/39 \times 100$$

2.8 Following the above changes to Group numbers, the political balance of the Council is as follows:

	Liberal Democrat	Conservative	Labour	Green	Independent	Total
Number of Councillors	21	12	3	2	1*	39
Proportion (%)	53.9	30.8	7.7	5.1	2.6	100.0

*It should be noted that the minimum number required to make up a political group is 2

2.9 The majority of seats on each committee has to be allocated to the political group that forms the majority of the authority's membership to comply with the second principle (paragraph 2.6ii above).

2.10 The seats will need to be shared out proportionately across the committees to ensure that the third principle (paragraph 2.5iii above) is applied. The fourth principle is then applied to ensure that the seats then allocated are not unfairly weighted. A Group's seat on a committee will be allocated automatically in terms of whole numbers, with numbers rounded up or down to the nearest whole number as appropriate.

Changes to Committees

2.11 The review of political proportionality means that there is one vacancy on the Licensing and Regulatory Committees for the Liberal Democrats to fill.

2.12 It must be borne in mind that any councillor filling the vacant seat on the Licensing Committee must have completed appropriate training prior to sitting at their first meeting of the Committee.

3 Options and Reasons for Recommendations

3.1 No alternative options. The Council is obligated to ensure that the political make up of their committees is politically proportionate.

4 Policy/Budget Reference and Implications

4.1 There are no direct policy consequences arising from this report.

5 Financial Implications

5.1 There are no direct policy consequences arising from this report.

6 Legal Implications

6.1 Legal implications are contained in the main body of this report.

7 Equal Opportunities Implications

7.1 There are no direct equal opportunities implications arising from this report.

8 Recommendations

8.1 Council notes the political proportionality of committees set out at annex 1.

8.2 Council appoints the Member(s) nominated by the Liberal Democrat group to the vacant seat on the Licensing Committee and Regulatory Services Committee.

8.3 Council appoints the Member(s) nominated by the Liberal Democrat Group to be Chair of Regulatory Services Committee and Licensing Committee.

Annexes

Annex 1 – Schedule of Political Proportionality of Committees

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Committee	Seats Available	Conservative	Green	Labour	Lib Dem	Independent	Total
Council Tax Setting Committee	5	2	0	0	3	0	5
Planning Committee	11	4	0	1	6	0	11
Regulatory Services Committee	11	3	1	1	6	0	11
Licensing Committee	11	3	1	1	6	0	11
Policy and Resources Committee	13	3	1	1	8	0	13
Infrastructure, Housing and Economic Development Committee	11	3	1	1	6	0	11
Leisure, Environment and Community Committee	11	3	1	1	6	0	11
Audit Committee	9	4	0	0	5	0	9
TOTAL	82	25	5	6	46	0	82
Percentage		30%	6%	7%	56%	0%	100%

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