

Amended June 2022

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. Lead Member for Resources
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>24. Power to serve a building preservation notice, and related powers.</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>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>
<p>32. Power to grant or refuse requests for planning approvals made pursuant to Schedule 17 and to impose conditions on approvals granted.</p> <p>33. Power to remove a Public Call Box (PCB) and/or Public Call Services (PCS) from a Site.</p>	<p>Section 20 and Schedule 17 of the High Speed Rail (London-West Midlands) Act 2017</p> <p>Communications Act 2003</p>

Function	Enactment
<p>Miscellaneous functions</p> <p>1. Power to create footpaths and bridleways.</p>	<p>Section 26 Highways Act 1980.</p>
<p>2. Power to create a footpath or bridleway by agreement.</p> <p>3. Power to authorise stopping-up or diversion of footpath or bridleway.</p> <p>4. Power to make a public path diversion order.</p> <p>5. Power to determine application for public path extinguishment order.</p> <p>6. Power to extinguish certain public rights of way.</p> <p>7. Power to extinguish public right of way over land acquired for clearance.</p> <p>8. Power to authorise stopping up or diversion of highway.</p> <p>9. Power to extinguish public rights of way over land held for planning purposes.</p>	<p>Section 25 of the Highways Act 1980 (c.66).</p> <p>Section 257 of the Town and Country Planning Act 1990, and Section 118, 119 of the Highways Act 1980.</p> <p>Sections 119ZA and 119C(4) of the Highways Act 1980.</p> <p>Sections 118ZA and 118C(2) of the Highways Act 1980.</p> <p>Section 32 of the Acquisition of Land Act 1981 (c.67).</p> <p>Section 294 of the Housing Act 1985 (c.68).</p> <p>Section 247 of the Town and Country Planning Act 1990 (c.8)</p> <p>Section 258 of the Town and Country Planning Act 1990.</p>
<p>10. Duty to assert and protect rights of public to use and enjoyment of highways.</p>	<p>Section 130 Highways Act 1980.</p>
<p>11. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.</p> <p>12. Power to decline to determine certain applications.</p> <p>13. Power to make a rail crossing extinguishment order.</p> <p>14. Power to make a rail crossing diversion order.</p>	<p>Section 121B of the Highways Act 1980.</p> <p>Section 121C of the Highways Act 1980.</p> <p>Section 118A of the Highways Act 1980.</p> <p>Section 119A of the Highways Act 1980.</p>

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 three 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 AND 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 Solicitor to the Council 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 Solicitor to the Council.
- 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 Solicitor for the Council 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 Management Board unless inconsistent with legislative requirements.

9. Senior Leadership Team

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

10. Director of Finance

10.1 *Legal Proceedings*

Supply Legal Services at the request of the Council and/or Chief Officer and (a) to authorise the Solicitor to the Council to institute and defend legal proceedings on instructions from the Chief Officer having the appropriate delegated authority (b) to authorise the Solicitor to the Council 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.

10.2 *Purchase of Property*

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

10.3 *Planning*

- 10.3.1 To decide in consultation with the Director of Community and Environmental Services applications pursuant to Sections 191 and 192 of the Town and Country Planning Act 1990 (as amended).

10.3.2 To deal after consultation with the Director of Community and Environmental 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.

10.4 ***Mortgages and Bonds***

10.4.1 The grant and redemption of mortgages.

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

10.5 ***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.

10.6 ***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.

10.7 ***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 PLI9/91 refers), viz, that Ward Members and the Lead Member be notified of the modification and if no response is received within 10 days the Director of Community and Environmental Services to make or confirm minor modifications.

10.8 ***Borrowing***

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

10.9 ***Payments***

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

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

10.10 ***Investments***

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

10.11 **Debts**

10.11.1 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.

10.11.2 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

10.11.3 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

10.11.4 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.

10.11.5 Recovery of liquidated and unliquidated damages.

10.12 ***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:-

10.12.1 the Director of Community and Environmental Services being satisfied that such improvement works can conveniently be added to the programme of an existing contract;

10.12.2 the proposed agreement for replacement windows requiring the leaseholder to meet 80% of the cost of supply and installation if any;

10.12.3 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 Director of Community and Environmental Services deems appropriate in their absolute discretion; and

10.12.4 provided that the block costs equal or are less than the estimates agreed by leaseholders.

10.13 ***Rating***

10.13.1 To agree proposals with the Valuation Officer.

10.13.2 To approve applications for mandatory relief under Section 40 of the General Rate Act 1967.

- 10.13.3 To make proposals for the alteration of the Valuation List.
- 10.13.4 To institute proceedings for the recovery of arrears of rates.
- 10.13.5 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.
- 10.13.6 To grant Temporary Rate Relief for partly occupied property under Section 25 of the General Rate Act 1967.
- 10.13.7 To write off debts in respect of rates up to £150 per property.
- 10.13.8 To grant rate relief under the Rating (Disabled Persons) Act, 19710.
- 10.14 ***Housing Advances***
- 10.14.1 To approve house purchase advances within the scheme approved by the Council.
- 10.14.2 To approve and authorise dealings with properties in mortgage to the Council.
- 10.15 ***Housing Benefit Scheme***
- 10.15.1 To determine that an overpayment for Housing benefit should be made non-recoverable from a claimant.
- 10.15.2 To determine and make awards for Discretionary Housing Payments (DHPs).
- 10.15.3 To determine that an overpayment for Housing benefit which is recoverable, should not be recovered for economic or other reasons including exceptional hardship etc.
- 10.15.4 To agree or refuse a request to backdate the commencement of a claim within legislation.
- 10.15.5 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.
- 10.15.6 To determine exceptional circumstance cases.
- 10.16 ***Council Tax/Council Tax Support***
- 10.16.1 To institute proceedings for the recovery of Council Tax.
- 10.16.2 To instruct bailiffs to execute liability orders to recover Council Tax in appropriate circumstances.
- 10.16.3 To conduct a rolling canvass of the District ensuring that the register is maintained as an accurate tax base.
- 10.16.4 To determine and make awards for Discretionary Housing Payments (DHPs).
- 10.16.5 To determine exceptional circumstance cases.

10.17 ***National Non-Domestic Rate***

- 10.17.1 To institute proceedings for the recovery of the National Non-Domestic Rate.
- 10.17.2 To instruct bailiffs to execute liability orders to recover the rate in appropriate circumstances.
- 10.17.3 To enter into agreements with ratepayers to discharge their liability where formal recovery proceedings are deemed inappropriate.
- 10.17.4 To issue completion notices to the owner of newly constructed non-domestic properties.
- 10.17.5 To determine whether discretionary rate relief is applicable to NNDR.

10.18 ***Recovery***

- 10.18.1 To waive summons/court fees/bailiffs fees when appropriate.
- 10.18.2 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).
- 10.18.3 To waive penalty charges for late payment of invoices.

10.19 ***Other Income***

- 10.19.1 To collect and account for all income including rents, charges and fees.
- 10.19.2 To pay Contractors' final accounts, subject to certification by the appropriate Chief Officer.
- 10.19.3 To pay all certified sums due from the District Council.
- 10.19.4 To make Petty Cash reimbursements subject to a maximum of £75 per item inclusive of VAT.

10.20 ***Insurance Claims***

- 10.20.1 To deal with insurance claims for the Council.

10.21 ***Salary Awards and Conditions of Service***

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

10.22 ***Published Material***

- 10.22.1 To prepare guide books, maps and other material relating to the District.
- 10.22.2 To determine fees and conditions for supply of copies or extracts from election documents.

10.23 **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.

10.24 **Regulation of Investigatory Powers Act 2000**

10.24.1 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.

10.24.2 The Solicitor to the Council 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 Solicitor (Litigation) are the designated persons for the purposes of communications data.

The Director of Community and Environmental Services, the Head of Regulatory Services, the Head of Finance (Shared Services) and the Head of Community Services 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. **Director of Community and Environmental Services**

11.1 **Highways**

11.1.1 To approve temporary road closures.

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

11.1.3 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.

11.2 **Numbering and Naming New Streets**

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

11.2.2 To approve re-numbering of existing properties.

11.2.3 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.

11.3 ***Alteration of Street Names***

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

11.4 ***Council Sewers***

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

11.5 ***Planning***

11.5.1 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 11.6 below.

11.5.2 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.

- 11.5.3 To authorise Section 106 obligations and their modification or discharge in cases which would normally be delegated.
- 11.5.4 To take all actions in respect of Environmental Impact Assessments, including but not limited to their approval.
- 11.5.5 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.
- 11.5.6 To authorise the execution of works required by an enforcement notice and recover the costs reasonably incurred in doing so
- 11.5.7 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.
- 11.5.8 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)
- 11.5.9 To make determinations, give approvals and agree other matters relating to the exercise of permitted development rights.
- 11.5.10 To serve a completion notice
- 11.5.11 To grant consent for the display of advertisements
- 11.5.12 To authorise entry onto land
- 11.5.13 To require the discontinuance of a use of land
- 11.5.14 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 a prohibited by a Tree Preservation Order, to a tree in a Conservation Area, without notification having been made under Section 211.
- 11.5.15 To determine the level of public consultation other than statutory consultation appropriate to each development control application.
- 11.5.16 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.
- 11.5.17 In consultation with the Solicitor of the Council 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.

- 11.5.18 To make and confirm Footpath Diversion Orders under the Town and Country Planning Acts in the event of no objections being received.
- 11.5.19 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.
- 11.5.20 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.
- 11.5.21 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.
- 11.5.22 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>

11.6 ***Tree Preservation Order Applications***

That the Head of Community 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 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,

- 11.6.1 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.
- 11.6.2 To revoke Tree Preservation Orders only in cases where significant trees on the site are also protected by other Tree Preservation Orders.
- 11.6.3 To modify Orders at the confirmation stage to correct drafting inaccuracies.
- 11.6.4 (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 11.5.2 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.

11.7 ***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.

- 11.7.1 To approve or reject plans under the Building Regulations and other relevant legislation.
- 11.7.2 To determine applications for relaxation and dispensation of Building Regulations.
- 11.7.3 To process and monitor Notices and Certificates submitted under the Building (Approved Inspectors Etc) Regulations.
- 11.7.4 To serve Notices under Section 36 of the Building Act 1984.
- 11.7.5 To carry out inspections and issue certificates in accordance with the terms and conditions of the PRC Homes Scheme Handbook.
- 11.7.6 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.

11.8 ***Fire Protection and Means of Escape***

To act under Section 72 of the Building Act 1984 (Means of escape from fire in the case of certain high buildings).

11.9 ***Dangerous Structures and Excavations***

- 11.9.1 To deal with dangerous structures under Section 78 of the Building Act 1984.
- 11.9.2 To deal with dangerous excavations under Section 25 of the Local Government (Miscellaneous Provisions) Act 1976.

11.10 **Commercial Properties**

11.10.1 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.

11.10.2 To institute proceedings relating to business tenancies.

11.11 **Deeds, Licences and Covenants**

11.11.1 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;

11.11.2 To agree the release and/or valuation of restrictive covenants (subject to statutory approval, if necessary).

11.12 **Council-Owned Land and Buildings**

11.12.1 To carry out central management and maintenance of Council-owned administrative buildings and depots.

11.12.2 To authorise institution of Court proceedings in respect of Common Law Trespass and Nuisance affecting Council land.

11.12.3 To institute proceedings against itinerants on Council land without permission.

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

11.13 **Miscellaneous**

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

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

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

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

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

11.13.6 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.

- 11.13.7 To act under Section 37 of the Public Health Acts Amendment Act 1890 (Safety of platforms etc, erected or used on public occasions).
- 11.13.8 To appoint surveyors under Section 10(8) of the Party Wall Etc Act 1996.
- 11.14 ***Skips and Scaffolding***
- To grant permits/licences for skips and scaffolding.
- 11.15 ***Licences and Permits***
- 11.15.1 To institute proceedings in connection with licences and permits.
- 11.16 ***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.
- 11.17 ***Recreation Grounds and Leisure Facilities***
- 11.17.1 To let recreation grounds and leisure facilities operated by the Council.
- 11.17.2 To let grounds for fetes etc, in accordance with Council policy.
- 11.17.3 To vary the charges made for leisure and recreation facilities in accordance with Council policies and commercial realities.
- 11.18 ***Clean Neighbourhoods and Environment***
- 11.18.1 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 (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:-
- 11.18.2 that the Environmental Strategy Manager and the Environmental Enforcement Officers be authorised to enforce the powers given to local authorities under the Clean Neighbourhood and Environment Act (CNEA) 2005;
- 11.18.3 that the Environment Strategy Manager and Environmental Enforcement Officers be permitted to issue Fixed Penalty Notices in respect of legislation 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

11.18.4 that Environmental Enforcement Officers 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).

11.18.5 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 (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.

11.19 ***Grave Spaces, Headstones and Monuments***

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

11.20 ***Open Spaces Byelaws***

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

11.21 ***Recycling***

To implement the Council's policies on recycling issues.

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

11.22.1 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.

11.22.2 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.

11.23 ***Allotments***

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

11.24 ***Housing***

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

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

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

- 11.24.4 *Defective Dwellings* – To issue Notices, approve and authorise repurchases and approve grants under the relevant Housing Legislation.
- 11.24.5 *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.
- 11.24.6 *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.
- 11.25 ***Animal Control***
- 11.25.1 To implement a full Animal Control Service, including enforcement in relation to dog control and fouling.
- 11.25.2 To issue community protection notices and or a fixed penalty notice under the Anti Social Behaviour Crime and Policing Act 2014.
- 11.25.3 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.
- 11.26 ***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:-
- 11.26.1 Statutory Nuisance
- 11.26.2 Provisions of the Control of Pollution Act 1974 relating to control of noise.
- 11.26.3 Provisions of Part 1 of the Environmental Protection Act 1990 relating to Local Authority Air Pollution Control
- 11.26.4 Obstructed and/or defective drains.

- 11.26.5 Industrial and other air pollution under the provisions of the Clean Air Act 1993.
- 11.26.6 Public and private water supplies
- 11.26.7 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.
- 11.26.8 Regulations relating to the hygiene and safety of imported foods which fall to the Local Authority, as the Food Authority to enforce.
- 11.26.9 Provisions of the Sunday Trading Act 1994
- 11.26.10 Provisions of the Health and Safety at Work etc Act 1974 and any Regulations made thereunder

- 11.26.11(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.

- 1.26.11(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:-

[11.26.1 – 11.26.10]

- 11.26.11(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.

- 11.26.11(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

- 11.26.12 Provisions relating to improvement; repair; closure; demolition; overcrowding and over-occupation of individual dwelling houses and houses in multiple occupation

- 11.26.13 Caravan Sites

- 11.26.14 Filthy and verminous premises

- 11.26.15 Animal Boarding, Breeding and Riding Establishments

- 11.26.16 Pet Shops

- 11.26.17 Dangerous Wild Animals
- 11.26.18 Tattooists, Acupuncture and Body-Piercing and semi-permanent skin colouring.
- 11.26.19 Prevention of Damage by Pests
- 11.26.20 To waive payment of the charge for disinfestation or pest control service in the case of special need or medical significance
- 11.26.21 Stray Dogs
- 11.26.22 Dangerous Dogs
- 11.26.23 To authorise concessions in respect of charges for Animal Control but only in exceptional circumstances.
- 11.26.24 Seizure and disposal of animals under the Animal Welfare Act 2006.
- 11.26.25 Control of Pesticides Regulations 1986
- 11.26.26 Dogs (Fouling of Land) Act 1996.
- 11.26.27 Part 2A of the Environmental Protection Act 1990 in respect of Contaminated Land.
- 11.26.28 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.
- 11.26.29 The Health Act 2006, Smoke-free Premises and Vehicles.
- 11.26.30 Housing Act 2004, sections 235, 239, 240 and 243.
- 11.26.31 Clean Neighbourhoods and Environment Act 2005,
- 11.26.32 Power to license various animal-related establishments under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 11.26.33 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015. Requirements of the Regulations including authorised officers and the setting of penalty charges.
- 11.26.34 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 2016

Persons 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.

- 11.26.35 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, Residential Environmental Health Manager, Housing Enforcement Officers, Animal Welfare and Licensing Inspector, Head of Community Partnerships, Community Safety Intervention Officer, ASB Officer, Partnerships Manager and Strategic Partnerships and Policy Manager and that the Director of Community and Environmental Services be delegated to add authorised persons as required.

To designate Housing Providers Thrive Homes and Watford Community Housing Trust officers to issue Community Protection Notices (CPNs) and Fixed Penalty Notices (FPNs) for the breach of CPNs subject to the Solicitor for the Council being satisfied that their proposed designated officers have been appropriately trained.

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

This has expired.

- 11.27 ***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.

- 11.28 ***Goods Vehicle Operator Licensing – Objections***

To authorise the Residential Environmental Health Manager (Environmental Health), Solicitor to the Council 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.

11.29 **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:-

11.29.1 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.

11.29.2 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.
- 11.29.3 Scrap Metal Dealers (2013 Act)
- 11.29.4 Hackney Carriage and Private Hire Vehicles, Operators and Drivers
- 11.29.5 Small Society Lotteries (Sections 16-19 of the Gambling Act 2005)
- 11.29.6.1 Street Trading (other than ice cream vendors). Ward Members to be consulted in all such matters other than the taking of any enforcement action
- 11.29.6.2 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
- 11.29.7 House-to-House and Street Collections
- 11.29.8 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.
- 11.29.9 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.
- 11.30 **Community Infrastructure Levy (CIL)**
- 11.30.1 Responsible for the administration, collection, enforcement and monitoring of CIL in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

11.31 **Right to Build Register**

11.31.1 To maintain, administer and take all necessary steps to process the Right to Build Register

11.32 **Brownfield Land Register**

11.32.1 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.

11.33 The Health Protection Regulations (Coronavirus)

11.33.1 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

Part 3 – Responsibility for Functions

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

Section of Act	Proper Officer's Functions	Specified Officer
191	Functions with respect to Ordnance Survey.	Director of Community and Environmental Services

Section of Act	Proper Officer’s Functions	Specified Officer
204(3)	Notice of application for licence under Sch 2 Licensing Act 1964.	Director of Community and Environmental 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)	Director of Community and Environmental 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	Solicitor to the Council
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).	Residential Standards Manager (Environmental Health)