

## **ANNEX 3 - RESPONSIBILITY FOR FUNCTIONS**

### **1. Introduction**

This Annex sets out where, within the Council, responsibility lies for the exercise of the Council's functions.

### **2. Definitions**

- 2.1 **“the 1972 Act”** means the Local Government Act 1972 (as amended);
- 2.2 **“the 1989 Act”** means the Local Government and Housing Act 1989 (as amended);
- 2.3 **“the 2000 Act”** means the Local Government Act 2000 (as amended);
- 2.4 **“the 2007 Act”** means the Local Government and Public Involvement in Health Act 2007 (as amended);
- 2.5 **“the Access to Information Regulations”** means the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (as amended);
- 2.6 **“the Chief Executive”** means the officer for the time being holding the post of the Council's Chief Executive who will also be the officer designated as the Council's Head of Paid Service under Section 4 of the 1989 Act;
- 2.7 **“Chief Officer”** means any of the following officers:
- The Director of Adult Care Services
  - The Director of Children's Services
  - The Director of Community Protection
  - The Director of the Environment and Infrastructure
  - The Director of Public Health
  - The Director of Resources
- 2.8 **“the Code of Conduct”** means the Code of Conduct for Members set out in Annex 20 to the Constitution;
- 2.9 **“the Constitution”** means the Council's Constitution;
- 2.10 **“Co-opted member”** means a voting member (whether or not the right of the member to vote is limited to certain matters) of a Committee or Sub-Committee of the Council who is not a Councillor.
- 2.11 **“Councillor”** means a member of the Council and, for the purposes of the terms of reference of the Standards Committee and any provision of this Annex relating to the Code of Conduct, includes a Co-opted member;

- 2.12 **“the Executive”** means the Council’s Executive appointed in accordance with the provisions of Part 1A of the 2000 Act and includes the Executive Leader (the Executive is often referred to as the Cabinet; the terms “Executive” and “Cabinet” have effectively the same meaning);
- 2.13 **“Executive Function”** means a function which is the responsibility of a local authority’s executive under Part 1A of the 2000 Act and the Functions Regulations, or a Local Choice Function which the Council has decided should be the responsibility of the Executive;
- 2.14 **“the Executive Leader”** means the Councillor elected by the Council to the office of Executive Leader in accordance with the provisions of Part 1A of the 2000 Act; the person holding such position is often referred to as “the Leader of the Council”;
- 2.15 **“the Functions Regulations”** means the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended);
- 2.16 **“the HHIA”** means the Hertfordshire Home Improvement Agency;
- 2.17 **“the HHIA Partnership Agreement”** means the agreement relating to the HHIA dated 30 August 2017 and made between the Council (1), East Herts District Council (2), North Hertfordshire District Council (3), the Borough of Broxbourne (4) and the Borough of Watford (5) as the same may be varied from time to time;
- 2.18 **“Key Decision”** has the meaning ascribed in paragraph 11.3 of Section 11 of the Constitution;
- 2.19 **“Lead Executive Member”** in relation to any provision in this Annex means the member of the Executive to whom the relevant Portfolio Responsibilities have been allocated;
- 2.20 **“Leader of the Council”** means the Executive Leader;
- 2.21 **“Local Choice Function”** means a function specified in Schedule 2 to the Functions Regulations as being a function which may, but need not be, the responsibility of a local authority’s executive;
- 2.22 **“Monitoring Officer”** means the Council’s Chief Legal Officer who is the officer designated by the Council as its Monitoring Officer under Sections 5 and 5A of the 1989 Act;
- 2.23 **“Non-Executive Function”** means a function which, under the Functions Regulations, may not be the responsibility of a local authority’s executive, or a Local Choice Function which the Council has decided should not be the responsibility of the Executive;

- 2.24 “**Non-voting member**” means a member of a Committee or Sub-Committee of the Council who is not a member of the Council and is not entitled to vote on any matter coming before that Committee or Sub-Committee;
- 2.25 “**the Openness Regulations**” means the Openness of Local Government Bodies Regulations 2014 (as amended);
- 2.26 “**Political Group**” means a political group of members constituted in accordance with the provisions of Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990;
- 2.27 “**Portfolio Responsibilities**” means the responsibilities relating to an Executive Function or Executive Functions which have been allocated to a member of the Executive by the Executive Leader in accordance with Section 7.4 of the Constitution;
- 2.28 “**Section 151 Officer**” means the officer appointed under Section 151 of the 1972 Act to be responsible for the administration of the Council’s financial affairs

### 3. Allocation of Responsibility for Functions

- 3.1 Tables 1 to 7 below show the responsibility for functions as allocated to the different parts of the Council.
- 3.2 Tables 1 to 7 are as follows:

Table 1 - Responsibility for Local Choice Functions

Table 2 - Responsibility for Non- Executive Functions

Table 3 - Requirements to Inform or Consult Councillors before the Exercise of Powers Delegated to Officers: Executive Functions

Table 4 - Specific Delegations to Officers: Executive Functions

Table 5 - Requirements to Inform or Consult Councillors before the Exercise of Powers Delegated to Officers: Non-Executive Functions

Table 6 - Specific Delegations to Officers: Non-Executive Functions

Table 7 - Proper Officer Appointments where the Proper Officer is not the Chief Legal Officer or where other officers have been appointed in addition to the Chief Legal Officer

### 4. Local Choice Functions

- 4.1 In Table 1 below the second column lists the Local Choice Functions and the third column shows the body responsible for the exercise of each of the Local Choice Functions.

**Table 1**  
**Responsibility for Local Choice Functions**

	<b>Local Choice Function</b>	<b>Responsible Body</b>
1	Any function under a local Act other than one for which provision is made elsewhere in this Annex.	The Executive
2	Determining appeals against any decision made by or on behalf of the Council	Employment Committee.
3	Making arrangements in relation to appeals against the exclusion of pupils from maintained schools.	The Executive (but normally dealt with by the Director of Resources under delegated powers)
4	Making arrangements in relation to appeals relating to admission of pupils to maintained schools.	The Executive (but normally dealt with by the Director of Resources under delegated powers)
5	Making arrangements under Section 95(2) of the School Standards and Framework Act 1998 (children to whom Section 87 applies: appeals by governing bodies).	The Executive
6	Any functions relating to contaminated land.	The Executive
7	Any function relating to the control of pollution or the management of air quality.	The Executive
8	Obtaining information as to interests in land under Section 330 of the Town and Country Planning Act 1990.	The Executive (but normally dealt with by the Chief Legal Officer under delegated powers)
9	Obtaining particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	The Executive (but normally dealt with by the Chief Legal Officer under delegated powers)
10	Making agreements for the execution of highways works.	The Executive
11	The appointment of any individual to any office (other than one in which the individual is employed by the Council) or to any outside body, and the revocation of any such appointment.	The Executive in relation to Executive Functions and the Full Council in relation to Non-Executive Functions (but, in either case, may be dealt with by the Chief Legal Officer under delegated powers)

12	Making agreements with other local authorities for the placing of staff at the disposal of those authorities	Employment Committee (but, except in relation to Chief Officers, normally dealt with by the Chief Executive or Chief Officers under delegated powers)
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## 5 Non-Executive Functions

- 5.1 In Table 2 below, in relation to Non-Executive Functions, the first column shows the body responsible, the second column shows the membership of that body and the third column shows the responsibilities assigned to that body.
- 5.2 The membership of any Committee listed in Table 2 below (and the membership of any sub-committee appointed by such a Committee) includes any substitute Councillor as defined by and appointed in accordance with the Substitution Scheme (Annex 28).

**Table 2**  
**Responsibility for Non-Executive Functions**

<b>Body Responsible</b>	<b>Membership</b>	<b>Function</b>
<b>Development Control Committee</b>	10 Councillors	<p>1 All of the functions of the Council relating to Town and Country Planning, and Development Control as specified in Section A (Paragraphs 5-32) of Schedule 1 to the Functions Regulations and Schedule 17 of the High Speed Rail (London- West Midlands) Act 2017.</p> <p>2 Registration of common land or town and village greens as specified in Section B (Paragraphs 37, 38 and 72) of Schedule 1 to the Functions Regulations.</p> <p>3 Powers in relation to common land, unclaimed registered common land and unclaimed town or</p>

<p><b>Development Control Committee (continued)</b></p>		<p>village greens, as specified in Section I (Paragraphs 51-53) of Schedule 1 to the Functions Regulations.</p> <p>4 Functions relating to highways and rights of way as specified in Section B (Paragraphs 41, 46A, 47, 47A and 48-55) and Section I (Paragraphs 1-34) of Schedule 1 to the Functions Regulations.</p> <p>5 To advise the Executive and appropriate officers on the making of Traffic Regulation Orders, on the Council's response to consultation from other bodies on planning matters and on accident remedial schemes, when requested to do so.</p>
<p><b>Employment Committee</b></p>		<p>1 All Non-Executive Functions which may lawfully be delegated to the Committee and which relate to:</p> <p>(1) the appointment, dismissal and discipline of the Chief Executive - Chief Officers and the Chief Legal Officer;</p> <p>(2) the determination of pay awards for the Chief Executive and Chief Officers and to recommend to the Chief Executive the level of pay award for senior officers graded PMC, PMB and PMA;</p> <p>(3) the determination of changes to the general terms and conditions of</p>

<p><b>Employment Committee (continued)</b></p> <p>5 Councillors to include 1 member of the Executive</p>	<p>employment for Council employees;</p> <p>(4) the determination of appeals against dismissal by staff graded PMA and PMB;</p> <p>(5) the making of agreements with other local authorities for the placing of staff at the disposal of those authorities</p>
<p><b>Pensions Committee</b></p>	<p>2 Any other Non-Executive Function which is not specifically the responsibility of another Committee or Sub-Committee of the Council.</p> <p>(1) Oversight of the performance of Lancashire County Council of the functions of the administering authority in relation to the Local Government Pension Scheme and the Firefighters' Pension Scheme.</p> <p>(2) Lancashire County Council: The Council's functions as administering authority in relation to the Local Government Pension Scheme and the Firefighters' Pension Scheme.</p>
<p><b>Audit Committee</b></p>	<p>1 To approve the Annual Statements of Accounts of the Council and the Hertfordshire Local Government Pension Fund.</p>
<p>A maximum of 13 comprising:</p> <p>10 Councillors, not to include a Member of the</p>	

<p><b>Audit Committee (continued)</b></p>	<p>Executive or a Deputy Executive Member; and</p> <p>A maximum of three independent non-voting members (i.e. non-councillors)</p>	<p>2 To review the Annual Governance Statement and the Code of Corporate Governance.</p> <p>3 To consider and respond to the external auditors Audit Plan Report, Audit Results Report and Annual Letter, including those for the Council and the Hertfordshire Local Government Pension Fund Accounts, and review management action in response to the external audit opinion and any issues raised by external audit.</p> <p>4 To consider responses to reports from the External Auditor and from other inspection agencies, where these are related to financial management and governance.</p> <p>5 To approve the Internal Audit Charter and the Internal Audit Plan, including any in-year amendments to that Plan.</p> <p>6 To receive final internal audit reports and consider reports from the Head of Assurance Services on Internal Audit's progress and performance during the year.</p> <p>7 To monitor critical, high and medium priority internal audit recommendations over 12 months from their original target date and reservation of the right to call officers to the Committee to account for</p>
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<p><b>Audit Committee (continued)</b></p>		<p>implementation of recommendations and delivery of agreed management actions.</p> <p>8 To consider the Head of Assurance Services' Annual Report and Opinion and other summary reports of the Head of Assurance Services, including an annual review of the effectiveness of the Council's internal audit system.</p> <p>9 To consider the risk management system and risk related issues, including Risk Management Updates, the Risk Management Annual Report and risk focus reports.</p> <p>10 To review anti-fraud and anti-corruption arrangements, including consideration of the annual Anti-Fraud Plan, progress and performance during the year and the Anti-Fraud Annual Report.</p> <p>11 To carry out scrutiny of treasury management in compliance with the requirements of the 'Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes (CIPFA, 2017)' or any amendment of such Code.</p> <p>12 To receive other relevant reports, including the Hertfordshire Fire and Rescue Authority Statement of Assurance, Whistle Blowing Annual Report and policies and procedures.</p>
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<b>Audit Committee (continued)</b>		13 To produce an annual report on the work of the Committee and to report to full Council on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.
<b>Standards Committee</b>	5 Councillors	<p>1 To promote and maintain high standards of conduct by Councillors.</p> <p>2 To advise the Council on the adoption or revision of the Code of Conduct.</p> <p>3 To assist Councillors to observe the Code of Conduct.</p> <p>4 To monitor the operation of the Code of Conduct.</p> <p>5 To advise on training of and arrangements for training Councillors on matters relating to the Code of Conduct.</p> <p>6 To hear and determine complaints about Councillors referred to the Committee by the Monitoring Officer.</p> <p>7 To grant dispensations from the requirements relating to interests set out in the Code of Conduct.</p> <p>8 Without prejudice to the Committee's general power to appoint Sub-Committees,</p>

<p><b>Standards Committee (continued)</b></p>		<p>to appoint one or more Sub-Committees, each with a membership of 3 Councillors, for the purpose of conducting a substantive hearing of a complaint and with all of the powers of the Committee.</p> <p>9 In the event of a finding by the Committee (or a Sub-Committee appointed under 8 above) that a Councillor has failed to comply with the Code of Conduct, to take the following action:</p> <p>(1) to recommend to the leader of the political group to which the Councillor belongs (or, if the Councillor does not belong to a political group, to the Full Council) that the Councillor be removed from any or all Committees or Sub-Committees of which he/she is a member;</p> <p>(2) where the Councillor is a member of the Cabinet, to recommend to the Executive Leader that the Councillor be removed from the Cabinet or have specified or all of his/her Portfolio Responsibilities removed;</p> <p>(3) To instruct the Monitoring Officer to arrange training for the Councillor;</p> <p>(4) to recommend to the Full Council that it revoke the Councillor's</p>
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<p><b>Standards Committee (continued)</b></p>		<p>appointment to any outside body, or all outside bodies, to which the Councillor has been appointed or nominated by the Council.</p> <p>(5) to withdraw any facilities provided to the Councillor by the Council, such as a computer, website, e-mail account or internet access;</p> <p>(6) to exclude the Councillor from, or to impose conditions on the Councillor's access to, the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Cabinet, Cabinet Panel, Committee or Sub-Committee meetings;</p> <p>(7) to require the Councillor to issue an apology;</p> <p>(8) to report its findings to the Full Council.</p> <p>10. To exercise the Council's power, under Section 85 of the 1972 Act, to approve a reason for a Councillor's failure to attend meetings of the Council and/or the Executive throughout a period of six consecutive months from the date of the councillor's last attendance.</p>
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<b>Overview and Scrutiny Committee</b>	The membership of Overview and Scrutiny is set out in Annex 8 to the Constitution	As set out in Annex 8 to the Constitution
<b>Health Scrutiny Committee</b>	The membership of the Health Scrutiny Committee is set out in Annex 8 to the Constitution	As set out in Annex 8 to the Constitution
<b>Impact of Scrutiny Advisory Committee</b>	5 Councillors (to be nominated by the Chairmen and Vice-Chairmen of the Overview and Scrutiny Committee (“the OSC”) (see Annex 8) and the Health Scrutiny Committee (“the HSC”) (see Annex 8) and approved by the Political Group Leaders) on the basis of political proportionality	To review, sign off and make recommendations to the OSC or the HSC relating to the implementation and/or impact of any scrutiny carried out by the OSC or the HSC or any sub-committee or topic group established by the OSC or the HSC.
<b>The Health and Wellbeing Board</b>	The membership and constitution of the Health and Wellbeing Board and is to be found in Annex 13 to the Constitution.	The Health and Wellbeing Board is established under Section 194 of the Health and Social Care Act 2012. It is a Committee of the Council, but some of the statutory provisions applicable to local authority committees have been disapplied by statutory instrument. The constitution of the Health and Wellbeing Board is to be found at Annex 13 to the Constitution and sets out the matters for which it is responsible.
<b>The Local Government Pension Scheme</b>	The Local Government Pension Scheme Access Joint Committee has been established by the Council and a number of	The responsibilities of the Local Government Pension Scheme Access Joint Committee are to be found in Annex 27 to the Constitution.

<b>Access Joint Committee</b>	other local authorities as set out in Annex 27 to the Constitution.	
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## 6. Scheme of Delegation to Officers – Executive Functions

### 6.1. Introduction

- 6.1.1 This Scheme has been approved by the Executive Leader (the Leader of the Council) in accordance with Section 9E of the 2000 Act.
- 6.1.2 This Scheme delegates Executive Functions to officers as set out in Paragraph 6.2 and Table 4 below, but subject to the general reservations, and conditions set out in Paragraph 6.3 below. Subject to those general reservations and conditions, the delegations in Paragraph 6.2 and Table 4 should be interpreted widely rather than narrowly and includes powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation.
- 6.1.3 References in Table 4 to functions, or to any specific function, shall be construed as referring to Executive Functions only.
- 6.1.4 Any reference in Table 4 to the exercise of any power or duty, or to the taking of any action, shall be construed as referring to the exercise of that power or duty, or to the taking of the action, in relation to Executive Functions only.

### 6.2 Delegations to Officers

The Chief Executive, Chief Officers and the Chief Legal Officer are authorised to discharge all the executive functions of the authority within their areas of responsibility as defined in sections 10.1 to 10.5 of the Constitution, together with those other functions specifically set out in this Constitution, subject to the General Reservations, Conditions and Qualifications set out in Paragraph 6.3 below and to any specific conditions, exceptions or reservations in the third column of Table 4.

### 6.3 General Reservations, Conditions and Qualifications Applying to Delegations

- 6.3.1 All powers and duties shall be exercised on behalf of and in the name of the Council.
- 6.3.2 An officer exercising delegated powers shall do so in accordance with all legislative requirements and with the Council's Constitution, including requirements relating to the recording of executive decisions.

6.3.3 This scheme does not delegate to officers:

- (1) power to make new policy or amend any policy adopted by the Council or the Executive;
- (2) power to exceed the provision of capital and revenue budgets for their Services except insofar as authorised by Financial Regulations or Contract Regulations;
- (3) authority to make a formal response on behalf of the Council to any Government White Paper, Green Paper or Consultation Paper, without the prior approval of the Lead Executive Member or of the Executive Leader.

6.3.4 All delegations are subject to the right of the Leader of the Council or the Executive:

- (1) to impose further conditions or restrictions on the exercise by officers, or any specified officer, of any delegated power;
- (2) to exercise any power delegated to an officer

6.3.5 Before exercising a delegated power, an officer shall comply with the requirements to consult Councillors set out in 6.4 below where these apply to the delegation in question.

6.3.6 An officer may decline to exercise his/her delegated power in any case and may refer the matter to the Executive.

## 6.4 Informing and Consulting Councillors

6.4.1 Before an officer exercises a delegated power the officer shall inform or consult the relevant Councillor in accordance with Table 3. The Councillor to be informed or consulted is as specified in the third column of Table 3 in relation to the significance of the proposed action referred to in the first column of Table 3 and the degree to which it is controversial referred to in the second column of Table 3. If the matter is a purely technical, professional or routine matter, which is not controversial in any way, then Councillors will not need to be involved.

**Table 3**  
**Requirements to Inform or Consult Councillors before the Exercise of Powers Delegated to Officers: Executive Functions**

<b>Significance of Proposed Action</b>	<b>Controversial</b>	<b>Relevant Councillor(s) to be Consulted</b>
Technical/Professional/Routine	No	No need to inform or consult Councillors

Technical/Professional/Routine	Yes	Consult relevant Lead Executive Member and, where appropriate, Local Councillor
Local	No	Inform Lead Executive Member and Local Councillor
Local	Yes	Consult Lead Executive Member and Local Councillor
General or County-wide	No	Consult relevant Lead Executive Member (s)
General or County-wide	Yes	Consult relevant Lead Executive Member and the Leader of the Council

6.4.2 Consultation must be in writing and must allow sufficient time for the Councillor consulted to respond before a decision is taken.

6.4.3 A Councillor consulted may ask that another Councillor's views be sought, including those of a Local Councillor.

6.4.4 An officer who has informed or consulted a Councillor or Councillors before exercising a delegated power shall, unless that officer produces an Officer Decision Record under Paragraph 6.5.1 below, record the following:

(1) the delegated power proposed to be exercised with the details of the specific circumstances;

(2) the names of the Councillor(s) informed or consulted;

(3) the views expressed by the Councillor(s) consulted;

(4) the action taken by the officer following the consultation.

6.4.5 Even if an officer does not proceed to exercise a delegated power after informing or consulting a Councillor or Councillors, that officer must record the matters required to be recorded under Paragraph 6.4.4 above.

## 6.5 Recording of Officer Decisions

6.5.1 As soon as reasonably practicable after making a decision in the exercise of a delegated power an officer must produce a written statement (an "Officer Decision Record") which must include:

(1) a record of the decision including the date on which it was made;

(2) the reasons for the decision;



- (3) details of any alternative options considered and rejected by the officer when making the decision;
- (4) a record of any conflict of interest declared by any Councillor who is consulted and which relates to the decision;
- (5) in respect of any declared conflict of interest, a note of any dispensation granted by the Chief Executive;
- (6) the names of any Councillor(s) informed or consulted in relation to the decision;
- (7) the views expressed by any Councillor(s) consulted;

6.5.2 As soon as reasonably practicable after making a decision in the exercise of a delegated power as referred to in paragraph 6.5.1 an officer must forward a copy of the following documents to the Council's Democratic Services Manager:

- (1) the Officer Decision Record;
- (2) any report considered by the officer and relevant to the decision, including a list of any background papers to the report; and
- (3) any background paper included in that list.

6.5.3 Subject to Paragraph 6.5.4 below, on receipt of the documents referred to in Paragraph 6.5.2 above, the Democratic Services Manager shall ensure that the documents are made available for public inspection at the Council's offices and that they are placed on the Council's website.

6.5.4 A document will not be disclosed to the public, made available for public inspection or placed on the Council's website where:

- (1) in the opinion of the Council's Chief Legal Officer the document contains confidential information as defined in Regulation 2 of the Access to Information Regulations (information provided by a Government Department on terms that forbid its disclosure to the public or where disclosure is prohibited by statute or a court order);  
or
- (2) in the opinion of the Council's Chief Legal Officer or of the officer who made the decision to which the document relates, disclosure to the public would give rise to the disclosure of exempt information as defined in Section 100I of and Schedule 12A to the 1972 Act (specific grounds for withholding information from public access).

- 6.5.5 The Chief Legal Officer will issue guidance from time to time to assist officers apply the provisions of paragraph 6.5.1.

## **6.6 Sub-Delegation**

- 6.6.1 An officer to whom a power has been delegated under this Scheme may further delegate that power to another officer (to be described by name or post title) either fully or under the general supervision and control of the delegating officer.
- 6.6.2 A Sub-delegation shall be in writing and be recorded in a register kept by the Chief Legal Officer.
- 6.6.3 Subject to 6.6.4 below, an officer to whom a power has been sub-delegated must comply with the requirements of this Scheme as if the power had been directly delegated to that officer under this Scheme.
- 6.6.4 An officer to whom a power has been sub-delegated shall not have power further to sub-delegate that power.

**Table 4**  
**Specific Delegations to Officers: Executive Functions**

The delegations of executive functions to officers are described in paragraph 6.2 above. The following table sets out:

- in the interests of clarity specific powers that are included within the scope of the delegation under paragraph 6.2, and
- specific conditions, reservations and exceptions applying to those delegations.

<b>Officer</b>	<b>Power Delegated</b>	<b>Specific Conditions, Reservations and Exceptions</b>
<b>Chief Executive</b>	1 In cases of urgency, to take any decision which could be taken by the Executive and may lawfully be delegated to an officer.	After consulting the Executive Leader and the Lead Executive Member.
	2 To manage the co-ordination of budget processes, including overall strategy, planning, and information.	
	3 To incur expenditure in the event of a civil emergency.	
	4 To authorise twinning arrangements.	After consulting the Executive Leader.
<b>Director of Adult Care Services</b>	1 All functions relating to social services for adults.	Except for decisions on the closure, relocation or change of use of residential and day care establishments.
	2 All functions relating to the provision of travellers' sites.	Except for decisions on the location of travellers' sites.
	3 All functions relating to the National Health Service.	Except for the statutory functions of and functions delegated under this Scheme to the Director of Public Health.
	4 Those functions under the Housing Grants,	

<b>Director of Adult Care Services (continued)</b>	Construction and Regeneration Act 1996, and any other legislation relating to the establishment of HHIA or the implementation of the HHIA Partnership Agreement, being functions which the County Council would not otherwise have the statutory power to exercise, and in respect of which arrangements have been made under the provisions of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 for their exercise by the Council.	
<b>Director of Children's Services</b>	1 All functions relating to children under social services legislation.	
	2 All functions relating to education.	Except for:  (1) Decisions to publish statutory notices to open or close schools or make significant changes to them;  (2) Decisions to confirm proposals in statutory notices to open or close schools or make significant changes to them when objections have been made to those proposals.
	3 All functions relating to the Youth Service and the Youth Justice Service	
	1 All functions relating to the Fire and Rescue Service	Except for:

<b>Director of Community Protection</b>		(1) Changes to duty schemes, including day crewing at fire stations;  (2) Closure of fire stations.
<b>Director of Community Protection (continued)</b>	2 All enforcement and licensing functions relating to Health and Safety including the storage of explosives and petroleum.	
	3 All functions relating to Trading Standards, Weights and Measures and Consumer Protection.	
	4 All functions relating to food standards and safety.	
	5 All functions relating to animal health and welfare, and animal feed.	
	6 All functions relating to Civil Aid and Emergency Planning.	
<b>Director of the Environment and Infrastructure</b>	<p>1 To lead the County Council's engagement and negotiations with Hertfordshire's 10 Local Planning Authorities and the Hertfordshire Local Enterprise Partnership on growth, development and associated infrastructure</p> <p>2 To secure infrastructure for County Council services</p> <p>3 All functions relating to:</p>	<p>The following matters are excluded from these delegations:</p> <p>(1) The approval of consultation responses on Local</p>

<p><b>Director of the Environment and Infrastructure (continued)</b></p>	<p>(1) Town and Country Planning and strategic planning;</p> <p>(2) Highways (including highways management and maintenance);</p> <p>(3) Transport infrastructure and planning and delivery</p> <p><i>(Note: the Director of Environment and Infrastructure is responsible for the co-ordination of the Council's requirements for transport services)</i></p> <p>(4) Traffic and vehicle regulation, traffic management, passenger transport and car parking and road safety;</p> <p>(5) the physical and economic environment of the County including environmental management, rights of way and open spaces and tourism</p> <p>(6) economic wellbeing and economic development</p> <p>(7) housing strategy and delivery, securing County Council infrastructure needs; and</p>	<p>Development documents;</p> <p>(2) County Council responses to public draft line, Side Road and Compulsory Purchase Orders;</p> <p>(3) Major Capital County Transportation Proposals including:</p> <p>(i) choosing a preferred route or option following public consultation;</p> <p>(ii) authorising the promotion of Compulsory Purchase and Side Road Orders.</p>
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	<p>(8) Waste management and disposal matters</p> <p>4 The making of a Statement of Common Ground with a District/Borough Council or other body under the National Planning Policy Framework.</p>	The delegation at 4 is subject to consultation with the relevant Lead Executive Member.
<b>Director of Public Health</b>	1 The exercise of the functions specified as being the responsibility of the Council's Director of Public Health by and under Section 73A of the National Health Service Act 2006 (as amended by the Health and Social Care Act 2012).	
<b>Director of Resources</b>	1 To manage the Council's banking arrangements.	
	2 To manage from day to day: <ul style="list-style-type: none"> <li>(1) the County Fund and all subsidiary and associated accounts;</li> <li>(2) the Borrowing and Lending Portfolio.</li> </ul>	
	3 To implement national and local pay awards and increase payments under the Pension Increase Acts.	
	4 To make leasing arrangements.	
	5 To manage the Council's insurance arrangements.	

<b>Director of Resources (continued)</b>	6 To manage the provision of information technology	
	7 To authorise the acquisition, re-use, appropriation and disposal of land and buildings.	Except for any transaction the value of which is expected to exceed £1M.
	8 To act as client for all land and buildings.	There is excluded from the Director's delegations the securing of infrastructure for County Council services and the making of representations in connection with the preparation and implementation of local and other plans/strategies relating to development of District and Borough Councils in Hertfordshire
	9 All Executive Functions in relation to Health and Safety at work for which the Council is responsible in its capacity as employer.	
	10 To manage the Council's procurement activities	
	11 To manage Hertfordshire Business Services	
	12 To agree to the Council becoming a member of a company.	Before exercising this delegation the Director of Resources must consult the Lead Executive Member for Resources and, where the company relates to a particular service or function, must also consult the relevant Chief Officer and the Lead Executive Member for that service or function.
	13 To appoint directors to companies of which the Council is a member.	Before exercising this delegation the Director of Resources must consult the



<b>Director of Resources (continued)</b>		Lead Executive Member for Resources and, where the company relates to a particular service or function, must also consult the relevant Chief Officer and the Lead Executive Member for that service or function.
	14 To exercise the rights and responsibilities of the Council as “supervising authority” for schools companies.	Before exercising this delegation the Director of Resources must consult the Lead Executive Member for Resources & Performance, the Lead Executive Member for Children’s Services and the Director of Children’s Services.
	15 To exercise the rights of the Council as a member of a company.	Before exercising this delegation the Director of Resources must consult the Lead Executive Member for Resources & Performance and, where the company relates to a particular service or function, must also consult the relevant Chief Officer and the Lead Executive Member for that service or function.
	16 All functions relating to public libraries, museums, Archives and records	Except for any decision to withdraw or modify public facilities.
	17 All functions relating to culture, sport and recreation.	
	18 To arrange the clerking of school admission appeals.	
	19 All functions relating to communications	
	20 To manage support for Councillors including locality budgets.	

	21 All Executive Functions relating to strategic policy and partnerships.	
<b>Chief Legal Officer</b>	1 To act as Solicitor to the Council; to authorise the institution, defence, withdrawal or compromise of any claims or legal proceedings, civil or criminal, for or against the Council and to manage the Council's Legal Services	
	2 To authorise officers of the Council to appear in the Magistrates' or County Courts.	
	3 To act as the Proper Officer of the Council under Section 270 of the 1972 Act (and any other enabling power) in any case where an enactment provides for the appointment of or for the exercise of any power or duty by the Proper Officer.	Except where another officer has been specifically designated in this Table or has been appointed or designated for the purpose under any enactment or under any other provision of the Council's Constitution.
	4 To make or issue any formal document on behalf of the Council.	Except where another officer has been appointed, designated or authorised for the purpose in this Table or under any enactment or any other provision of the Constitution.
	5 To attest the affixing, and to authorise other officers to attest the affixing, of the Common Seal of the Council.	
<b>Chief Legal Officer (continued)</b>	6 All functions relating to the Registration of Births, Deaths, Marriages and Civil Partnerships, and the Coroners Service.	

	7 To make appointments to Cabinet Panels to fill casual vacancies and to appoint substitute members in accordance with the Substitution Scheme (Annex 28).	After consulting Group Leaders.
	8 To make appointments to outside bodies.	

## 7. Scheme of Delegation to Officers – Non-Executive Functions

### 7.1 Introduction

- 7.1.1 This Scheme delegates Non-Executive Functions to officers as set out in Paragraph 7.2 and Table 6 below, but subject to the general reservations, and conditions set out in Paragraph 7.3 below. Subject to those general reservations and conditions, the delegations in Paragraph 7.2 and Table 6 should be interpreted widely rather than narrowly and includes powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation.
- 7.1.2 References in Table 6 to functions, or to any specific function, shall be construed as referring to Non-Executive Functions only.
- 7.1.3 Any reference in Table 6 to the exercise of any power or duty, or to the taking of any action, shall be construed as referring to the exercise of that power or duty, or to the taking of the action, in relation to Non-Executive Functions only.

### 7.2 Delegations to Officers

The Chief Executive, Chief Officers and the Chief Legal Officer are authorised to discharge all the non-executive functions of the authority within their areas of responsibility as defined in sections 10.1 to 10.5 of the Constitution, together with those other functions specifically set out in this Constitution, subject to the General Reservations, Conditions and Qualifications set out in Paragraph 7.3 below and to any specific conditions, exceptions or reservations in the third column of Table 6.

### 7.3 General Reservations, Conditions and Qualifications Applying to Delegations

- 7.3.1 All powers and duties shall be exercised on behalf of and in the name of the Council.

- 7.3.2 An officer exercising delegated powers shall do so in accordance with all legislative requirements and with the Council's Constitution, including requirements relating to the recording of executive decisions.
- 7.3.3 This scheme does not delegate to officers:
- (1) power to make new policy or amend any policy adopted by the Council;
  - (2) power to exceed the provision of capital and revenue budgets for their Services except insofar as authorised by Financial Regulations or Contract Regulations;
  - (3) authority to make a formal response on behalf of the Council to any Government White Paper, Green Paper or Consultation Paper, without the prior approval of the relevant Committee Chairman.
- 7.3.4 All delegations are subject to the right of the Council or the Committee having responsibility for the relevant function:
- (1) to impose further conditions or restrictions on the exercise by officers, or any specified officer, of any delegated power;
  - (2) to exercise any power delegated to an officer
- 7.3.5 Before exercising a delegated power an officer shall comply with the requirements to inform and/or consult Councillors set out in 7.4 below where these apply to the delegation in question.
- 7.3.6 An officer may decline to exercise his/her delegated power in any case and may refer the matter to the relevant Committee.

#### **7.4 Informing and Consulting Councillors**

- 7.4.1 Before an officer exercises a delegated power the officer shall inform or consult the relevant Councillor in accordance with Table 5. The Councillor to be informed or consulted is as specified in the third column of Table 5 in relation to the significance of the proposed action referred to in the first column of Table 5 and the degree to which it is controversial referred to in the second column of Table 5. If the matter is a purely technical, professional or routine matter, which is not controversial in any way, then Councillors will not need to be involved.

**Table 5**  
**Requirements to Inform or Consult Councillors before the Exercise of Powers Delegated to Officers: Non-Executive Functions**

Significance of Proposed Action	Controversial	Relevant Councillor(s) to be Consulted
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Technical/Professional/Routine	No	No need to inform or consult Councillors
Technical/Professional/Routine	Yes	Relevant Committee Chairman and, where appropriate, Local Councillor
Local	No	Inform Local Councillor
Local	Yes	Consult Local Councillor
General or County-wide	No	Consult relevant Committee Chairman
General or County-wide	Yes	Consult relevant Committee Chairman/Leaders of all Political Groups

7.4.2 Consultation must be in writing and must allow sufficient time for the Councillor consulted to respond before a decision is taken.

7.4.3 A Councillor consulted may ask that another Councillor's views be sought, including those of a Local Councillor and/or a member of the Executive.

7.4.4 An officer who has informed or consulted a Councillor or Councillors before exercising a delegated power shall, unless that officer produces an Officer Decision Record under Paragraph 7.5 below, record the following:

- (1) the delegated power proposed to be exercised with the details of the specific circumstances;
- (2) the names of the Councillor(s) informed or consulted;
- (3) the views expressed by the Councillor(s) consulted;
- (4) the action taken by the officer following the consultation.

7.4.5 Even if an officer does not proceed to exercise a delegated power after informing or consulting a Councillor or Councillors, that officer must record the matters required to be recorded under Paragraph 7.4.4 above.

## **7.5 Recording of Officer Decisions**

7.5.1 As soon as reasonably practicable after making a decision in the exercise of a delegated power an officer must produce a written statement of the decision ("an Officer Decision Record") in the following cases:

- (1) the Officer has made the decision under a specific express authorisation; or
- (2) if the effect of the decision is to:

- (i) grant a permission or licence;
- (ii) affect the rights of an individual; or
- (iii) award a contract, incur expenditure or effect savings which, in any of these cases, materially affects the Council's financial position.

7.5.2 For the purposes of Paragraph 7.5.1 above the Council's financial position will be regarded as being materially affected if the value of the contract or, as the case may be, the amount of the expenditure or savings is £500,000 or more.

7.5.3 The Officer Decision Record must include:

- (1) a record of the decision including the date on which it was made;
- (2) the reasons for the decision;
- (3) details of any alternative options considered and rejected by the officer when making the decision;
- (4) a record of any conflict of interest declared by any Councillor who is consulted and which relates to the decision;
- (5) the names of any Councillor(s) informed or consulted in relation to the decision;
- (6) the views expressed by any Councillor(s) consulted;

7.5.4 As soon as reasonably practicable after making a decision in the exercise of a delegated power an officer must forward a copy of the following documents to the Council's Democratic Services Manager:

- (1) the Officer Decision Record;
- (2) any report considered by the officer and relevant to the decision, including a list of any background papers to the report; and
- (3) any background paper included in that list.

7.5.5 Subject to Paragraph 7.5.6 below, on receipt of the documents referred to in Paragraph 7.5.4 above, the Democratic Services Manager shall ensure that the documents are made available for public inspection at the Council's offices and that they are placed on the Council's website.

- 7.5.6 A document will not be disclosed to the public, made available for public inspection or placed on the Council's website where:
- (1) in the opinion of the Council's Chief Legal Officer the document contains confidential information as defined in Regulation 6 of the Openness Regulations (information provided by a Government Department on terms that forbid its disclosure to the public or where disclosure is prohibited by statute or a court order); or
  - (2) in the opinion of the Council's Chief Legal Officer or of the officer who made the decision to which the document relates, disclosure to the public would give rise to the disclosure of exempt information as defined in Section 100I of and Schedule 12A to the 1972 Act (specific grounds for withholding information from public access).
- 7.5.5 The Chief Legal Officer will issue guidance from time to time to assist officers apply the provisions of paragraph 7.5.1.

## **7.6 Sub-Delegation**

- 7.6.1 An officer to whom a power has been delegated under this Scheme may further delegate that power to another officer (to be described by name or post title) either fully or under the general supervision and control of the delegating officer.
- 7.6.2 A Sub-delegation shall be in writing and be recorded in a register kept by the Chief Legal Officer.
- 7.6.3 Subject to 7.6.4 below, an officer to whom a power has been sub-delegated must comply with the requirements of this Scheme as if the power had been directly delegated to that officer under this Scheme.
- 7.6.4 An officer to whom a power has been sub-delegated shall not have power further to sub-delegate that power.

**Table 6**  
**Specific Delegations to Officers: Non-Executive Functions**

The delegations of executive functions to officers are described in paragraph 7.2 above. The following table sets out:

- in the interests of clarity specific powers that are included in the scope of the delegation under paragraph 7.2, and
- specific conditions, reservations and exceptions applying to certain of those delegations.

<b>Officer</b>	<b>Power Delegated</b>	<b>Specific Conditions, Reservations and Exceptions</b>
<b>Chief Executive</b>	In cases of urgency or civil emergency, to take any non-executive decision which can be lawfully delegated to an officer.	Subject to consultation with the Chairman/Vice Chairman of Council and Group Leaders.
	1 To appoint staff and to determine the terms and conditions on which they hold office (including procedures for their dismissal).	
	2 To determine the salary on appointment of any officer where the proposed salary is £100,000 per year or more.	Before exercising this delegation the Chief Executive shall consult the Leaders of all Political Groups.  If the Leader of any Political Group with 5 or more members, or the Leaders of 2 or more Political Groups which between them have 5 or more members, object(s) to the proposed salary, the Chief Executive shall refer the matter to the Full Council for decision.
	3 To determine that an additional payment be made, and the amount of that payment, to	The Chief Executive shall consult the Leaders of all Political



<b>Chief Executive (continued)</b>	recruit or retain a senior manager where the Chief Executive considers this necessary because of market conditions.	<p>Groups before exercising this delegation where the proposed additional payment would:</p> <p>(1) be to an employee whose salary is £100,000 per year or more; or</p> <p>(2) result in an employee's salary rising to £100,000 per year or more.</p> <p>If the Leader of any Political Group with 5 or more members, or the Leaders of 2 or more Political Groups which between them have 5 or more members, object to the proposed additional payment, the Chief Executive shall refer the matter to the Full Council for decision.</p>
	4 To make agreements with other authorities for the placing of staff (other than Chief Officers) at the disposal of those authorities.	
<b>Director of Children's Services</b>	In cases of urgency or civil emergency, to take any non-executive decision within their functional remit which can be lawfully delegated to an officer.	Subject to consultation within the Chairman/Vice Chairman of council and Group Leaders.
	1 To license the employment of children under Part II of the Children and Young Persons Act 1933, byelaws made under that Part, and Part II of the Children and Young Persons Act 1963.	

<b>Director of Community Protection</b>	In cases of urgency or civil emergency, to take any non-executive decision within their functional remit which can be lawfully delegated to an officer.	Subject to consultation within the Chairman/Vice Chairman of council and Group Leaders.
<b>Director of Community Protection (continued)</b>	1 All functions in relation to safety certificates relating to sports grounds and regulated stands at sports grounds under the Safety of Sports Grounds Act 1975 and Part III of the Fire Safety and Safety of Places of Sport Act 1987.	
	2 The licensing and registration functions of the Council in relation to:  (1) the movement and sale of pigs and licensing of collection centres under the Pigs (Records, Identification and Movement) Order 2011;  (2) Power to issue a licence to move cattle from a market under the Cattle Identification Regulations 2007.	

<p><b>Director of the Environment and Infrastructure</b></p>	<p>In cases of urgency or civil emergency, to take any non-executive decision within their functional remit which can be lawfully delegated to an officer.</p> <p>1 All functions relating to Town and Country Planning, and Development Control as set out in Regulation 2 of and Part A of Column (1) of Schedule 1 to the Functions Regulations.</p>	<p>Subject to consultation within the Chairman/Vice Chairman of council and Group Leaders.</p> <p>Except for:</p> <p>(1) approval of major departures from Development Plans arising from planning applications requiring the submission of an Environmental Statement.</p> <p>(2) approval of county matters (minerals &amp; waste) or County Council applications requiring the submission of an Environmental Statement.</p> <p>(3) approval of County Council applications (Regulation 3 of the Town and Country Planning General Regulations 1992) requiring the submission of an Environmental Statement.</p>
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<b>Director of the Environment and Infrastructure (continued)</b>	2 All functions relating to Rights of Way, including under the Wildlife and Countryside Act 1981.	In consultation with the Chair of the Development Control Committee
	3. All functions relating to the registration of common land or town or village greens under the Commons Registration (New Land) Regulations 1969, Part 1 of the Commons Act 2006 and the Commons (Registration) (England) Regulations 2008.	Except where the power is exercisable solely for the purpose of giving effect to:  (a) an exchange of lands effected by an order under Section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981; or  (b) an order under Section 147 of the Inclosure Act 1845.
	3 The registration of variation of rights of common under the Commons Registration (General) Regulations 1966	
	4 The application for an enforcement order against unlawful works on common land under Section 41 of the Commons Act 2006.	
	5 The protection, under Section 45(2)(a) of the Commons Act 2006, of unclaimed registered common and unclaimed town or village greens against unlawful interference.	
	6 The institution of proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens under Section 45(2)(b) of the Commons Act 2006.	

<b>Director of the Environment and Infrastructure (continued)</b>	7 The granting of street works licences under Section 50 of the New Roads and Street Works Act 1991.	
	8 The granting of permission for provision, etc of services, amenities, recreation and refreshment facilities on the highway, and related powers.	
	9 To permit deposit of builder's skip on the highway under Section 139 of the Highways Act 1980.	
	10 To exercise the duty, under Section 115G of the Highways Act 1980, to publish notice in respect of a proposal to grant permission under Section 115E of the Highways Act 1980.	
	11 To license planting, retention and maintenance of trees etc. in part of the highway under Section 142 of the Highways Act 1980.	
	12 To authorise the erection of stiles etc. on footpaths or bridleways under Section 147 of the Highways Act 1980.	
	13 To license works in relation to buildings etc., which obstruct the highway under Section 169 of the Highways Act 1980.	
	14 To consent to temporary deposits or excavations in streets under Section 171 of the Highways Act 1980.	
	15 To dispense with the obligation to erect hoarding or fence under Section 172 of the Highways Act 1980.	

<b>Director of the Environment and Infrastructure (continued)</b>	16 To restrict the placing of rails, beams etc. over highways under Section 178 of the Highways Act 1980.	
	17 To consent to construction of cellars etc. under Section 179 of the Highways Act 1980.	
	18 To consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators under Section 180 of the Highways Act 1980.  19. Town & Country Planning & Development Control under Schedule 17 to the High Speed Rail (London- West Midlands) Act 2017 ('the 2017 Act')  20. Highways under Schedule 4 to the 2017 Act.	
<b>Director of Resources</b>	In cases of urgency or civil emergency, to take any non-executive decision within their functional remit which can be lawfully delegated to an officer.	Subject to consultation within the Chairman/Vice Chairman of council and Group Leaders.
	1 To exercise the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988.	
	2 To manage the Council's HR activities including job evaluation and judgement on market forces and employee benefits.	
	3 All functions relating to the Local Government Pension Scheme under Regulations made under Sections 7, 12 or 14 of the Superannuation Act 1972.	Except where these functions may not lawfully be delegated to an officer or are reserved to the Full Council or a

		Committee of the Council under legislation or under any Scheme or policy made by the Council.
	4 All functions relating to the Firefighters' Pension Schemes under the Fire and Rescue Services Act 2004.	Except where these functions may not lawfully be delegated to an officer or are reserved to the Full Council or a Committee of the Council under legislation or under any Scheme or policy made by the Council.
<b>Chief Legal Officer</b>	1 To authorise the institution, defence, withdrawal or compromise of any claims or legal proceedings, civil or criminal, for or against the Council	
	2 To authorise officers of the Council to appear in the Magistrates' or County Courts.	
	3 The approval of premises for the solemnisation of marriages and civil partnerships under Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995.	
	4 The following functions in relation to elections:  (1) Powers in respect of the holding of elections under Section 39(4) of the Representation of the People Act 1983  (2) To declare a vacancy in office in certain cases under Section 86 of the 1972 Act;	

<b>Chief Legal Officer (continued)</b>	(3) To give public notice of a casual vacancy under Section 87 of the 1972 Act;	
	(4) To be the Returning Officer for County Council elections.	
	5 To make standing orders as to contracts under Section 135 of the 1972 Act.	
	6 In accordance with the Substitution Scheme (Annex 28), to appoint a substitute member of a Committee, Sub-Committee, Topic Group or other member body for any ordinary member who, for whatever reason, will not be attending a meeting, or meetings, of any such body.	(1) After consulting the Leader of the relevant Political Group; and (2) Provided that the substitute member is of the same Political Group as the ordinary member.
	7 To make payments or provide other benefits in cases of maladministration under Section 92 of the 2000 Act.	
	8 To make appointments to outside bodies	
	9 To act as the Proper Officer of the Council under Section 270 of the 1972 Act (and any other enabling power) in any case where an enactment provides for the appointment of or for the exercise of any power or duty by the Proper Officer.	Except where another officer has been specifically designated in this Table, in Table 7 or has been appointed or designated for the purpose under any enactment or under any other provision of the Council's Constitution.
	10 To make or issue any formal document on behalf of the Council.	Except where another officer has been appointed, designated or authorised for the purpose in this Table or under any enactment or any other



<b>Chief Legal Officer (continued)</b>		provision of the Council's Constitution.
	11 To attest the affixing, and to authorise other officers to attest the affixing, of the Common Seal of the Council.	
	12 As Monitoring Officer, to determine whether a complaint that a Councillor has breached the Council's Code of Conduct merits formal investigation and to arrange such investigation.	<ol style="list-style-type: none"> <li>1 After consulting the Independent Person.</li> <li>2 Where the Monitoring Officer considers that it is inappropriate to make such a determination, to refer the matter to the Standards Committee or a Sub-Committee of the Standards Committee.</li> </ol>
	14 Where an investigation into a complaint that a Councillor has breached the Council's Code of Conduct for Councillors finds evidence of a failure to comply with the Code of Conduct, as Monitoring Officer to seek a resolution in appropriate cases.	Where such resolution is not appropriate or possible, the Monitoring Officer is to report the investigation findings to the Standards Committee or a Sub-Committee of the Standards Committee for a hearing.

## 8. Proper Officer Appointments

- 8.1 Subject to Paragraphs 8.2 and 8.3 below, the Council has appointed the Chief Legal Officer as the Proper Officer for the purposes of Section 270 of the 1972 Act and any other relevant enactments.
- 8.2 For the purposes of each of the enactments referred to in the first column of Table 7 the Council has appointed the officer(s) referred to in the third column of Table 7 in relation to that enactment as the Proper Officer for the purposes of that enactment.
- 8.3 In any case where an officer has been appointed by the Council under any provision of the Constitution apart from this Annex as the Proper

Officer for the purposes of an enactment, that officer shall be the Proper Officer for that purpose.

**Table 7**  
**Proper Officer Appointments where the Proper Officer is not the Chief Legal Officer or where other officers have been appointed in addition to the Chief Legal Officer**

<b>Statute</b>	<b>Power/Duty</b>	<b>Proper Officer</b>
Section 83, 1972 Act	Receipt of declarations of acceptance of office	Head of Democratic and Statutory Services Assistant Chief Legal Officers Democratic Services Manager All in addition to the Chief Legal Officer
Section 115, 1972 Act	Receipt of money due from officers	Section 151 Officer
Section 137A, 1972 Act	Deposit of report and accounts relating to financial assistance to outside bodies	Section 151 Officer
Section 146, 1972 Act	Declarations and certificates relating to the transfer of securities	Section 151 Officer
Section 2, 1989 Act	Lists of politically restricted posts	Assistant Director Human Resources
Access to Information Regulations Openness Regulations	Proper Officer in relation to: (1) documents relating to an officer decision; (2) background papers to reports and lists of such background papers	(1) The officer making the decision: (2) The officer responsible for writing the report In addition to the Chief Legal Officer

Marriage Act 1949, Registration Service Act 1953, all Regulations under those Acts or otherwise relating to the registration of births, deaths, marriages or civil partnerships	All Proper Officer appointments	Head of Democratic and Statutory Services
Section 37, Highways Act 1980	Deposit of certificate of new highway	Director of the Environment and Infrastructure
Section 59, Highways Act 1980	Certificate of extraordinary highway maintenance expense	Director of the <b>Environment</b> and Infrastructure
Section 116, Highways Act 1980	Receipt of magistrates' plan showing stopping up	Director of the Environment and Infrastructure
Sections 205,211,216 and Schedule 16, Highways Act 1980	Documents following resolution to carry out work to private street	Director of the Environment and Infrastructure
Section 295, Highways Act 1980	Notice relating to removal of material in street	Director of the Environment and Infrastructure
Section 321, Highways Act 1980	Authentication of documents	Director of the Environment and Infrastructure
Schedule 9, Highways Act 1980	Signed plan of improvement or building line	Director of the Environment and Infrastructure
Schedule 15, Highways Act 1980	Resolution under advance payments code	Director of the Environment and Infrastructure